United Nations CEDAW/C/HUN/4-5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
21 September 2000

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic reports of States parties

Hungary*

* This document has been reproduced as received. For the initial report submitted by the Government of Hungary see CEDAW/C/5/Add.3, considered by the Committee at its third session. For the second periodic report submitted by the Government of Hungary see CEDAW/C/13/Add.1 and Amend.1, considered by the Committee at its seventh session. For the third periodic report submitted by the Government of Hungary see CEDAW/C/HUN/3 and Add.1, considered by the Committee at its fifteenth session.

00-66445 (E) 190301

The fourth and fifth reports of Hungary to the Committee on the Elimination of All Forms of Discrimination against Women

Contents

		Page
	Foreword	1
Part I		
	Article 1. Discrimination	3
	Article 2. Policy measures	4
	Article 3. Guarantee of basic human rights and fundamental freedoms	10
	Article 4. Special measures	16
	Article 5. Sex role stereotyping and prejudice	17
	Article 6. Prostitution	20
Part II		
	Article 7. Political and public life	25
	Article 8. Representation	34
	Article 9. Nationality	35
Part III		
	Article 10. Education	36
	Article 11. Employment	39
	Article 12. Health	47
	Article 13. Economic and social benefits	52
	Article 14. Rural women	57
Part IV		
	Article 15. Law	59
	Article 16. Marriage and family life	60
Annex		76
	List of authors	101

Foreword

Background of the report

Hungary became a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1982. The Convention, with its 165 States parties, is the most comprehensive and broad-ranging document dealing with women's rights. Signatory States are expected to submit a report to CEDAW on national implementation of the Convention's provisions every four years.

So far, Hungary has submitted three reports: in 1982, 1986 and 1991.

The deliberations on the third report took place only in January 1996. At that time CEDAW addressed a list of questions to the Hungarian Government, to which an addendum was made, and requested a supplement.

This consolidated report is based on materials prepared by the ministries concerned. The ministries were requested by the Ministry of Social and Family Affairs to prepare materials relating to each article of the Convention. Apart from the ministerial reports, the Office for Women's Issues of the Ministry of Social and Family Affairs had 20 expert opinions prepared.

At the time of completion of the third periodic report the national mechanism responsible for equal opportunity had not been established yet. The Office for Women's Issues, operating since 1998 in the Ministry of Social and Family Affairs, coordinated the compilation of the fourth and fifth consolidated report.

The report was referred for opinion to the Council for Women's Issues, established in 1999, to the Women's Subcommission of the Parliament's Committee for Human Rights, Minorities and Religion, established in 1998, to the Occupation and Employment Committee and to Civil Forum Organizations of the Office for Women's Issues, as well as to other non-governmental organizations.

This report is also going to be published as a book aimed at wide dissemination.

Drawing up the report

A workshop meeting was held with invited experts to introduce the English version of the 1991 report, the responses given to preceding questions of CEDAW and the comments of the Ministry of Foreign Affairs on the CEDAW report. The experts were invited to the meeting from the broadest possible range in order to make them acquainted with the background of the report and thereby to prepare a wide-ranging, comprehensive report on the basis of the available documents.

Structure of the report

When preparing the report, the drafting committee considered it relevant to formulate two questions to each article in the interest of better presentation and lucidity:

1. Legal background, changes of legal acts, exposition of current situation;
2. Political measures and obstacles in the realization of legal acts and initiatives of the Government.

While drawing up the report we used the MONEE project Regional Monitoring Report No. 6, "Women in Transition", published by UNICEF in 1999. This study is of extreme importance to Hungarian public opinion, since it reviews the developments of our region that are also dealt with in the present CEDAW report. Thus, it was given to our experts, and its publication in Hungarian has begun with the assistance of UNICEF.

The enclosure is a collection of data and legal regulations regarding the articles of the report. A great part of the data comes from the statistical data collection entitled "The Changing Role of Women — Report on the Situation of Men and Women, 1999", published by the Office for Women's Issues and the Social Research Informatics Centre.

The report ends with the list of ministries and experts participating in drawing up the report. Herewith I would like to express my gratitude to those who helped with their work to reach completion of this report.

While preparing the report we learned that its completion meant not only the fulfilment of an international duty but also the completion of a framework that offers a survey of legislation and of political life, as well as of the control of implementation, and thus, looking back at the distance covered, more precise prominence may be given to the tasks before us.

(*Signed*) Peter **Harrach**
Minister for Social and Family Affairs

Part I

Article 1. *Discrimination*

"For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Article 70/A of the Constitution of the Republic of Hungary generally prohibits all kinds of discrimination. "The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever." The Constitutional Court interpreted this section of the Constitution in several decisions: Nos. 35/1994. (VI.24.) AB, No. 21/1990. (X.4.) AB. Prohibition of discrimination does not mean that every distinction is prohibited that finally aims at a more complete social equality. If any social aim or constitutional right that is not contrary to the Constitution can only be enforced in a manner by which the above equality in narrow sense might not be realized, that kind of positive discrimination may not be considered as unconstitutional. As the limit of positive discrimination may be considered the prohibition of discrimination relating to equal dignity, consequently the prohibition of discrimination in wider sense and fundamental rights respectively, are positively formulated in the Constitution. Not every distinction is discriminative, only that ones which deprive a certain group of legal entities or private individuals of the possibility to assert certain rights arbitrarily, failing a rationally, constitutionally acceptable reason or bring it in an unfair position compared to other persons by the above means. The Constitutional Court in its decisions interpreted the notion of discrimination mainly in the field of drafting public acts and legislation. The Constitutional Court, in its decision No. 9/1990. (IV.25.) AB interpreted the notion of "discrimination" according to which "prohibition of discrimination is related thereto that people have to be treated equally by the law (people with equal dignity), namely the grounds of human dignity may not be injured; the aspects of rights and advantages have to be laid down with equal respect and foresight, considering individual aspects at equal extent". The aforementioned prohibition of discrimination is specified to certain concrete fields: by paragraph (2) of article 70/B to wages, by paragraph (1) of article 66 to equal rights of men and women. When implementing these special provisions it has to be done in conformity with the general provision. The Constitutional Court developed its practice in the field of prohibition of discrimination and positive discrimination in relation to article 70/A.

However, establishment of discrimination is not subject to the condition of deliberateness. Unfair position of women as a consequence of the measure concerned is sufficient to the existence of discrimination. The aforementioned is important to underline, since hereby the Convention prohibits not only explicit, direct discrimination but so-called hidden, indirect discrimination as well. Indirect discrimination can be declared if an apparently neutral provision, measure or practice is unfair to a disproportionately larger part of one sex.

In the course of fulfilling our duty on approximation of laws it is to be expected in the near future that prohibition of indirect discrimination will be formulated in the Labour Code, which promotes the efficacy of practical realization of equal treatment. Tasks related to the oncoming modification of the Labour Code, aiming the approximation of laws, will be discussed in detail in Article 11 on employment.

Article 2: *Policy Measures*

I. Current Situation

In the Hungarian law general prohibition of discrimination between men and women is stated in paragraph (1) of article 66 of the Constitution:

"The Republic of Hungary shall ensure the equality of men and women in all civil, political, economic, social and cultural rights."

Other women-related provisions are enshrined under "Fundamental Rights and Duties" in chapter XII of the Constitution.

Article 70/A paragraph (1) *The Republic of Hungary shall respect the human rights and civil rights of all persons in Tex country without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever*
(2) *The law shall provide for strict punishment of discrimination on the basis of paragraph (1).*
(3) *The Republic of Hungary shall endeavor to implement equal rights for everyone through measures that create fair opportunities for all.*

The Constitution prohibits discrimination pursuant to sex by two means. On the one hand paragraph (1) of article 70/A explicitly prohibits discrimination and discrimination between men and women within.

On the other hand, several provisions of article 70, enshrining fundamental rights and duties, which assure the rights they provide for equally to everyone, refer to prohibition of discrimination. Another specific aspect of this attitude is the principle of "equal compensation for equal work", laid down in paragraph (2) of article 70/B.

Article 70/B paragraph (1)

"In the Republic of Hungary everyone has the right to work, and to freely choose his job and profession.

(2) *Everyone has the right to equal compensation for equal work, without any discrimination whatsoever.*

(3) *All persons who work have the right to an income that corresponds to the amount and quality of work they carry out.*

(4) *Everyone has the right to leisure time, to/free time and to regular paid vacation.*

A significant question is that what sort of protection is reserved by the Constitution for the rights embodied. This issue is affected by two constitutional provisions. On the one hand article 70/K guarantees the right to access to court in order to assert a claim arising from infringement of fundamental rights of the citizens.

70/K *"Claims arising from infringement on fundamental rights, and objections to the decisions of public authorities regarding the fulfillment of duties may be brought before a court of law"*

On the other hand according to paragraph (2) of article 70/A the law shall provide for strict punishment for any kind of discrimination. This constitutional provision obliges the legislator to frame regulation on statutory level in the interest of providing among others the elimination, diminution of discrimination against women with an effective system of sanctions.

On the grounds of the above constitutional provisions it can be concluded that those are in conformity with the spirit and requirements of the CEDAW Convention and thus, there is no need for significant modifications in the field of constitutional basis to ensure equal opportunity.

Regulation and practice of individual assertion of rights

Article 5 of the Labour Code (henceforth abbreviated Mt.) prescribes the prohibition of discrimination:

Article 5 paragraph (1)

(1) In connection with an employment relationship, no discrimination shall be practiced against employees on the basis of gender, age, race, national origin, religion, political views or membership in employee interest representation organizations or activities connected therewith, as well as any other circumstances not related to employment. Any differentiation clearly and directly required by the character or nature of the work shall not be construed as discrimination.

Council Statement No. 97. (MK.97.) of the Superior Court handles the issue of "equal terms". According to the Statement *"distinction deriving unambiguously from the character or nature of the labour consequently especially all distinction considered to be engaged with employment that are based on essential and lawful terms, shall not be considered as discrimination."*

The Civil Code of the Republic of Hungary rules that any kind of discrimination of private persons, particularly a distinction on the grounds of "gender, race, ancestry, national origin, or religion; violation of the freedom of conscience; any unlawful restriction of personal freedom; injury to body or health; contempt for or insult to the honor, integrity, or human dignity" shall be deemed as violation of inherent rights (article 76). Therefore, the existing Hungarian law ensure the realization of equality between men and women and oblige the employers to equal treatment and do this uniformly, with respect to all rights and duties arising from employment.

Paragraph (2) of article 5 of the Labour Code is an adequate provision in the Hungarian law to ensure the right to judicial revision, according to which "*In the event of any dispute related to a violation of the prohibition of discrimination, the employer shall be required to prove that his/her actions did not violate the provisions of paragraph (1)*". Thus, under Hungarian law in force it is sufficient if the employee states that an act falling within the discretion of the employer is discriminative against him and it is the employer who has to contravene the statements of the employee in the judicial proceedings beginning on the above grounds.

According to Section 3 paragraph (1) of the act LXXV of 1996 on the Supervision of Employment supervision includes the observation of the fact whether the prohibition of discrimination is complied with or not. The possible labour fine that may be imposed runs from HUF 50,000. - up to HUF 3 million. Following the amendment of act LXXV of 1996 on the

Supervision of Employment in 1999, employment supervision includes the observation of the fact whether the prohibition of discrimination is complied with or not and in such cases the burden of proof reverses: it is the employer who has to prove that his/her act was not discriminative.

In 1998 only three cases based on the rule of non-discrimination were brought before court and two of the petitions were related to job advertisements. From the aspect of the retaining-effect (see principle of efficacy) the amount of the future labour fines imposed in such cases by the employment supervising boards are likely to be significant. The above act presents a basis for the aforementioned, therefore paragraph (4) of article 7 provides that when determining the amount of the fine the extent of the damage caused and the number of employees concerned will have to be taken into consideration.

Article 5 of the Labour Code referred to above prohibits all sorts of discrimination. That will be discussed in details in the amendment of the Labour Code that is already under drafting.
In relation with the regulations concerning women it can be stated in general that in the last few years only a few rules were passed. Among the provisions of law related directly to women, apart from the aforementioned, the amendment of the Penal Code and the decision of Constitutional Court held on the act on the Protection of Fetal Life of are determinant.

Act LXXIII of 1997 amended the act IV of 1978 on the Penal Code of the Republic of Hungary. According to the wording of rape in the Penal Code as it was in force before 1997, the victim of rape could only be a woman against whom the rape was committed not by her husband. Rape was not punishable against the woman who lived in conjugal community with the perpetrator. Joint existence of marriage and actual conjugal community excluded the prosecution of the act. However, the perpetrator of the crime was subject to prosecution if the conjugal community of the man and the woman involved did not existed at the time when the offense was committed or if they lived only in common-law marriage and not in marital community. Since the entry into force of the amendment of the Penal Code on 15 September 1997, the act provides for penalty for rape, irrespective of the fact whether it was committed in the bounds of matrimony or outside of that. This offence can be prosecuted for a request for prosecution. This latter ensures that the competent authorities are only entitled to interfere in the private affairs of the husband and wife if one of them wishes so.

The another significant change relates to the ruling of abortion. Several motions were submitted to the Constitutional Court concerning the act LXXIX of 1992 on the Protection of Fetal Life and its provisions as well as the provisions of the implementing order No. 32/1992. (XII.23.) NM of the above act. The Constitutional Court in its decision No. 48/1998.

(XI.23.) AB adopted a decision on the motions submitted against the provision of the above act that enables the interruption of premature delivery in the case of serious crisis of the woman. According to the decision of the Constitutional Court it is not unconstitutional by itself if the act renders possible that the pregnancy of the woman may be interrupted in case of her serious crisis. However the notion and terms of serious crisis of the woman has to be determined exclusively in public act. The lack of regulation on statutory level can not be replaced with regulation by inferior legal sources or interpretation. Therefore, the Constitutional Court obliged the Parliament to specify further of the act on the Protection of Fetal Life.

Most changes relating indirectly to women affect the social welfare system. Changes carried out in the social welfare system reflect two contradictory concepts. Act XLVII of 1995 on Economic Stabilization aimed to narrow down universal social benefits on the basis of the principle of indigence. This had negative effects on family-supports as well.

On the contrary, the amendments enacted after the elections in 1998 aimed above all the development of the family-support system and the more intensive assistance of families. Family supports may be applied by either of the parents up to their choice. These provisions affect indirectly the issue of discrimination against women and the provisions of the Convention. The aim of the family-support benefits is to promote the social security of families and to diminish the financial burden of bringing up children.

I. Political measures

Institutional structure

The external control of legislation is realized by the Constitutional Court. Among the cases brought before the Constitutional Court on fundamental rights the number of the decisions adopted on motions related to equal rights and to the prohibition of discrimination is the highest. Comparing to that the number of proposals on discrimination between men and women is relatively few. The Constitutional Court is expected to examine only the constitutionality of the legal rules. Within the field of concrete norm-supervising, a party involved in judicial proceeding may request the judge to initiate examination of unconstitutionality of a legal rule which is to administer in the procedure. The civic complaint is directed against the concrete act issued by public authority violating fundamental rights of a private person or a community, with the aim of eliminating the constitutional grievance. However, a civic complaint can only be lodged if the cause of the constitutional grievance was the enforcement of an unconstitutional public act. paragraph 3 of article 66 of the Constitution was interpreted by the Constitutional Court in its decision No. 7/1998. (III.18.) AB so that the above article of the Constitution gives authorization to frame provisions providing for positive discrimination aiming women's protection in the course of regulation concerning labour. The Constitutional Court may judge cases on discrimination between men and women by both under paragraph (1) of article 70/A and paragraph (1) of article 66 of the Constitution. Since this latter article specifies the first article's general provision on discrimination between men and women, the latter has no particular test: the case is decided on the grounds of the general rule.

The amendment of the Constitution in 1989 and the enactment of the act LIX of 1993 established the institution of the parliamentary commissioner (ombudsman), which is a specific, independent organ of parliamentary control. The parliamentary ombudsman is responsible for investigating or initiating the investigation of cases involving the infringement of constitutional rights that come to his attention and initiating general or specific measures for their remedy. The ombudsman controls only the activity of public administration, thus he or she may act on the grounds of a complaint or ex officio if constitutional rights are infringed or endangered directly by the act or omission of a public authority. The ombudsman is not entitled to pass decisions within his own sphere of jurisdiction, but has an extensive supervising authority and the public authority under investigation is obliged to cooperate and supply data. The Parliamentary Commissioner for Civil Rights and his or her general deputy may investigate also cases on violation of women's rights and may initiate measures for their remedy.

Establishment of the Council for Women's Issues

In 1995 Government resolution No. 2268/1995. (IX.8.) established the Hungarian National Mechanism Assuring Equal Status of Women. This organization started operating at the end of 1995 after the IV. UN World Conference of Women in Beijing named Secretariat of Women's Policy, in the Ministry of Social and Family Affairs. In 1996 the Council's name changed into Office for Equal Opportunities.

In Hungary the Office for Equal Opportunities was the only governmental agency in charge of improving women's situation. The Secretariat had no local and regional organ. In the interest of the realization of the Beijing Platform for action the Government established an inter-ministerial committee that had two sessions. Its task was the co-ordination of governmental work aiming the assurance of equal opportunities for women. After change of the government following the elections in 1998, the Ministry of Social and Family Affairs became legal successor of the Ministry of Labour. The Office for Equal Opportunities was shuffled and became part of the Department of Human Relation in the Ministry of Social and Family Affairs, named Office for Women's Issues. The Office for Women's Issues continues the activity of the Office for Equal Opportunities.

The Government decided on the establishment of the Council for Women's Issues on 28 May 1999, in Government resolution No. 1059/1999. (V.28.). The establishment of the Council was carried out within the frame of the interest representation system's modernization. Pursuant to the Government resolution the first session of the Council was held in September 1999.

"For the purpose of accelerating legislation and action programmes assuring equal opportunity of women, in the interest of involving civil organizations representing women's interests, the Government establishes the Council for Women's Issues. The Council is decision-preparatory, consultative, reporting and advisory board to the Government and co-ordinating board in respect of implementation and control of action programmes concerning the promotion of women's equal opportunity.

The tasks of the Council for Women's Issues:

1. Reporting on draft statutes and governmental action programmes affecting women's equal opportunity, initiating new programmes and amendment of existing legal rules,
2. Participating in elaboration of programmes on the improvement of women's equal opportunity realized with national and international assistance and the rules governing application thereto,
3. Giving opinion on reports and publicity material related to equal opportunity of women.

Constitution of the Council: simultaneously with the cessation of the former inter-departmental committee, a new inter-departmental committee is established from the representatives of the reshuffled ministries and the Prime Minister's Office, classified at least as head of department. The delegates of social organizations in charge of women's representation with national competence nominate six Council members to the minister, who are offered to the position by the minister of social and family affairs. Five additional members are offered to the position by the minister from persons carrying out outstanding scientific or practical activity in the field of women's equal opportunity and another 3 members from the representatives of civil organizations operating for the improvement of women's equal opportunity.

"The Government calls upon the ministers and heads of authorities with national competence to ensure the exercise of the Council's reporting right in the course of drafting legal rules and of preparing measures aiming or related directly to the improvement of women's equal opportunity. When preparing governmental decisions subject to this issue, the attitude and arguments of Council to the proposal have to be recorded in the text of the proposal. The governmental side of the Council operates as inter-departmental committee as well; it initiates the determination of aims and tasks of the Government within the field of women-policy, co-ordinates the realization of those."

Positive actions

Information-giving to and education of civil organizations, organization of press campaigns, bringing test-cases in action and supporting them, screening and improving existing legal rules have been in course since 1996. A publication of series of volumes was published on examination of women's social and economic situation. The first volume was published in 1997, the second in 1999, completed with statistical data and additional chapters. The Office for Women's Issues started to publish the volumes in English language as well. In 1999 with the help of the European Union Community Programme the Office for Women's Issues implemented following training on the issue of equal opportunity and family-friendly workplace within the Ministry:

- Training of judges, labour supervisors and trade union officials on the subject matter of equal opportunity, assertion of rights,
- Training of human resource management experts in "train the trainer" system.

Within the frame of the national programme aiming the reception of Community Acquis a reintegrating training has been implemented for unemployed middle-aged women and for women taking up work after child-care leave.

Government resolution No. 2174/1997. (VI.26.) was passed on the action programme aiming the realization of Hungary's duties formulated in the Declaration adopted on the IV. World Conference of Women (Beijing Declaration). This was the first objective in translating the principle of influencing professional policies (mainstreaming) into the practice. For this purpose the resolution "calls upon the ministers concerned to take charge of the implementation of the tasks determined in the action programme". The deadline was 30 April 1998.

With the establishment of the Council for Women's Issues an opportunity has emerged for social organizations representing women's interests to cooperage in a more organized way and with greater efficacy with experts and ministerial delegates in specifying tasks, and in implementing and controlling programmes.

Point 2 of Government resolution No. 1119/1997 (XI.26.) on Employment Guidelines specifies that the moderation of unequal opportunities on the labour market has to be supported by special, targeted programmes. The regional and labour policy terms as ell as the legal, financial and institutional structure of the above have to be strengthened. The situation of unemployed persons with accumulated disadvantages shall be treated and resolved by multi-characterized instrumental and programme combinations and by organizational co-operation. The unemployment of the aforementioned is closely related to poverty, and both situations can be traced back to a common cause: low educational level, crisis of local labour market and the underappreciation of results regarding age and sex. In the case of these unemployed persons labour market benefits themselves, however they might help to resolve direct bread-and-butter worries, are not efficient enough and above all they are not long-lasting.

To find remedy for economic, social and regional bases of long-lasting unemployment:

1. Activities aiming at the increase of educational level have to be supported further on, although these activities have their impact only in the long run;
2. Closing up labour-market educational programmes have to be continued;
3. Possibilities for the harmonization of regional policies and country development supports have to be exploited. In 1998 differentiated application of labour-market supports in conformity with regional peculiarities has to be instituted, thus helping regional mobilization and flexibility of labour market in general;

4. Non-governmental organizations have to be made more aware of employment tensions than heretofore. Social classes that are difficult to access regionally or culturally can be reached only by the above means. Therefore, next year a network has to be build or continued to be built, realizing both social welfare and employment for those who are not intended to be employed on longer terms by employers of the competitive sector;
5. Labour market programmes have to be worked out and gradually administered for elderly people and for women as the effect of raising the retirement age limit can be felt on the labour market. Attention has to be given to the reintegration of women returning to the labour market from child-care leave, child-care allowance, and child-care benefit.

The "employment guidelines" handle the issue of labour-market support and equal opportunity of women due to its importance and in conformity with the spirit of the CEDAW Convention.

With the help of ILO as a co-ordinating agent, the Dutch Government financed a one and a half year long project in different regions of Hungary in 1997 and 1998. The project covered various topics such as women and agriculture or women and business and the programmes were held in different cities of the regions. Within the frames of the project, a tripartite co-operation was formed between employees, employers and the women's sections of government bodies. The supreme aim of the project was the introduction of the relevant ILO conventions and recommendations to a wider public.

Article 3. *Guarantee of basic human rights and fundamental freedoms*

I. Current situation

Women's representation

Following the collapse of the state-socialist system several fundamental economic and national questions remained unresolved, including the issue of equality between men and women. The "missing achievements" were tightly linked with the lack of market forces and the disregard of civil society; basically these are the fields where changes have started.

The changes of women's rate in the Parliament best shows that equality was just illusory during the era of state-socialism: one-third of the parliamental mandates were occupied by women; such rates have not been reached in any country of the world apart from the northern states. This significant rate of women's participation in the Parliament however disappeared after the first democratic elections. This shows that the state-socialist system has suffered a great defeat in building up equality between men and women legitimated and preserved by the citizens.

In spite of the fact that statutes apparently ensured equality between married men and women, distribution of powers within the family remained one-sided. State took part in imposing "double-burden" on women: after the long working hours they continued to do the housework as well. Figures show that working-time hours of women in Middle and Eastern Europe are 70 hours per week on an average, which is 15 hours more than that of women in Western-Europe.

It is proved that violence against women is very wide-spread, however specialists working in criminal jurisdiction, public health service, social service and education are most often not prepared for recognizing and handling of violence against women, particularly violence within the family.

The progress of change by breaching the state's monopoly in the sphere of economic, social and political issues created such situation for women, where they shall recognize the conditions of creating equality.

After the change in 1989 with the sudden development of the civil sphere dozens of women's organizations were founded abruptly. Whilst the number of other civil organizations increased in leaps and bounds between 1989 and 1992 (it tripled in three years), the number of women's groups hardly increased. The rate of women's organizations comparing to the number of other registered civil organizations is insignificant for the time being. In 1995 more than 43,000 registered organizations were recorded. This figure includes non-governmental organizations (NGOs), foundations, and associations. According to data from 1999 the number of civil organizations augmented to 57,000 but approximately 30,000 out of these are operating. A brossure of 1998 recording women's organizations contains 38 women's organizations. In 1999 on the civil forum of the Office for Women's Issues 70 civil organizations were present, however the secretariat is in touch with more than 150 organizations dealing solely or partly with women.
The progress of the women's organizations' sphere can be considered as slender in the last ten years. Among the reasons for the low number and limited activity of women's organizations, apart from financial grounds, the lack of social assistance plays also a role. The lack of experience makes self-organization more difficult. Up till now there have been three subject-matters in which women's organizations gave voice to their opinion before the public and exerted larger campaigns (e.g. posters, leaflets, debates, signature-collecting actions) together or separately: in connection with the debate of act on the Protection of Foetus (1991-1992), the raise of retirement age limit of women and in connection with the statute ruling on prostitution. In the above cases the activity of women's organizations influenced the work of decision-makers as well; for example the spokespersons of women's organizations participated in the preparation of decisions as experts. The reform-measures of 1995, as a result of which public child-welfare benefits and maternity benefits were drastically reduced were followed by fewer debates. (The range of maternity benefits were widened again by the government coming into office in 1998.)
The Council for Women's Issues regularly participated in civil forums in the course of approaching viewpoints and preparation of draft laws. Through democratic election in 1999, on the basis of civil organizations' nominees, the members could be elected from 34 organizations to 6 places. The interests of women working in the agricultural sector and living in small villages are not represented by social organizations. Among the members of women's organizations there can be hardly found women with small children. Participants come rather among women without children or women with children grown up, perhaps of school-age. The rate of divorced and single women and the rate of mothers bringing up their children alone (single mothers) is also high in women's organizations. Considering the age of the membership of women's organization, the most members are middle-aged or even elder. Young women take rarely part in the activity of women's organizations.

Women under specific conditions

Single mothers living under the poverty level

Families with more children than average and the several single (at least legally) young mothers stand in need of support as a matter of course.

Roma mothers. Since problems related to Romas require advantaged programmes and action-plans in many fields of the current Hungarian society and continued dialogues are carried out with or in relation with the Romas, it is probably worthy of note on the situation of Roma mothers. The above issue emerged also on the conference for civil organizations in Tampere, in

December 1999, organized by the Finn Presidium of the Council of Europe, where serious expectations were expressed with respect to Hungary (and to other Mid-Eastern European countries from the former socialist block, in particular to Slovakia). The solving of the so-called "Roma-issue" seems to be sine qua non among the tasks related to Hungary's access to the European Union.

It is a well-known fact that among Romas, over and above the gradual adjusting to social progressions, the rate of childbirth is still much higher than in other layers of the society and young girls become mothers much earlier than the average. In 1993 the number of childbirths related to the age-group of 15-19 was 34 per 1000 women, while considering the same age-group of Romas (consolidated in 1990-1993) the number of childbirths per 1000 women was 137. The reason for this is not sexual libertinism but the fact that in traditional Roma families young people are considered to become adults earlier. (The rate of childbirths per 1000 women at the age of 20-24 was 123.8 and 217 respectively, at the age of 25-29 was 112.3 and 141.6 resp., at the age of 31-34 was 48.1 and 98.4 resp., at the age of 35-39 was 16.1 and 51.9, and at the age of 41-49 this rate was 1.9 and 10.4.) In the traditional scale of values of the Romas fertility occupies a distinguished position and Roma women are well-known as child-loving, good mothers. (Exceptions certainly occur.)

Apart from the aforementioned there is a serious problem to be resolved that mainly as a consequence of the low educational level within the Roma population: the rate of unemployment is much higher than in the total population. Thus, Roma people bringing up children are in extraordinarily bad situation. There are Roma villages where almost the entire population is unemployed (particularly in the northern and north-eastern parts of the country) and the large extent of pauperization obviously afflicts the children most. A multitude of Roma families lives solely of supports. Malnutrition, bad housing and unhygienic circumstances have had an effect on the health condition of families as well. According to health-care workers who visit Roma families frequently, young mothers are in need of psychological healthcare and mental care.

In the case of young Romas there is an increased need for education, stressed several times above, starting at an early age, and for the (not only financial) support of young mothers. Owing to the traditional values of Romas (appreciation of maternity, preservation of family ties are to be especially stressed within), education should not be separated from the Roma culture but rather should develop a sense of responsibility in young girls and boys towards each other and their children on the basis of these positive elements, as well as the sense of duty originating from the latter. Family-support services, psychological health-care, crisis-handling and mediation all form part of the National Family Policy Conception as well as problem-handling of Roma families or families living with handicapped children.

Handicapped women. Act XXVI. of 1998 on Handicapped People's Rights and Assurance of Their Equal Opportunity provides for the promotion of their integration to the society without making any distinction on the grounds of sex. With the purpose of laying down the foundation of measures aiming the establishment of equal opportunity the Parliament adopted resolution No. 100/1999. (XII.10.) on National Programme for Handicapped People and adopted a draft on middle-distance measures.

Middle-aged or elderly women. According to point 2 of Government resolution No. 1119/1997. (XI.26.) of 1998 on Employment Guidelines, the diminution of unequal opportunities on the labour market shall be assisted by special programmes. Labour arket programmes have to be worked out for elderly people and women and to be set in force gradually, as the effect of raising the retirement age limit is to be felt on the labour market.

Refugee women. With the implementation of the law on refugees on 1 March 1998, the Hungarian government lifted the geographical restrictions that earlier ruled to accept refugees only from Europe. Consequently, Hungary is now open to accommodate refugees from outside Europe as well.

Between 1989 and 1998, 13,187 applications were handed in for the recognition of refugee status. (1,242 of the applicants who received refugee status in 1998 were women and 1,414 were children.)

In Hungary, applications for a refugee status are processed at the Office for Refugees and Immigration. Refugees are placed at refugee camps and community shelters. A certain amount of finances from the state budget and the budget of the Ministry of Interior is designated to provide for the refugees' basic needs (food and shelter). These finances cover the expenses of the Office for Refugees and Immigration and the maintenance of the community shelters.

Half of those people who apply for refugee status in Hungary stay at camps provided by the Office for Refugees and Immigration and the other half are placed in shelters provided by the military at the immigration checkpoints. Strict — though differently regulated rules — have to be observed in the refugee camps and at the community and military shelters.

Those who are placed in the refugee camps are taken care of for free. In addition, those who are older than 14 receive a small sum of pocket money after three months of stay in one of the camps.

Cultural and religious traditions are recognized and respected in the refugee camps. Special care is taken to keep families together, and to take the traditional social role of women into account. All assistance required is provided for the purpose of making it possible for the refugees from different nationalities with different cultural and religious backgrounds to observe their religious customs.

Camps make all possible efforts to involve social workers and volunteers in assisting the professional workers to give professional childcare and education with the aim of providing special help for women. In addition, children of primary school age are given education in their native language. Families are provided separate spaces to the extent that the refugee situation makes it possible, with special attention to the needs of mothers with young children. 24-hour healthcare is provided within the camps. Psychological treatment for traumatized women and children and post-traumatic treatment are also provided.

It would be desirable to call the attention of NGOs and the Office for Refugees and Immigration and local governments to the situation of single women with children in refugee camps. Social programmes should be initiated to support women in their coping with their new circumstances.

Violence in the family

Among violent criminal offences the volume of crimes committed within the family, most often within the walls of the home, is extremely high. From the viewpoint of becoming victim of a crime, for women the most dangerous milieu is the family, the most dangerous place is the home and the most likely perpetrator is the husband, life-companion, ex-husband or ex-life-companion.

To measure the volume of wife-abuse an extensive survey was carried out on the unlawful extinction of life of the offended party. The research counted both murder and grievous bodily harm with fatal consequences to the above offences. (See tables 1.1,1.2,1.3 on the issue of family violence in the annex)

II. (a) Legislation

Hereinafter the most significant Hungarian legal rules will be introduced related to violence in the family (wife abuse).

Constitution

The Constitution acknowledges and protects human rights and fundamental freedoms, including those of which breach is considered to be interpreted and significant by general recommendation No. 19 from the viewpoint of violence against women (wife abuse).

Penal Code

The Penal Code in force does not contain any particular provision; namely, there are no special criminally defined facts for violent criminal offences committed to the injury of major relatives within the family. (In contradiction to the penal ruling of some other countries according to which these acts come under the penalty of law as independent crimes, having no respect to the seriousness of the injury.) However, on the grounds of several provisions of the Penal Code it is (it would be) possible to conduct criminal procedure and impose a penalty on the perpetrators of different forms of wife abuse.

Sexual assault

- Rape (since the amendment of the Penal Code in 1997 rape constitutes a criminal offence in matrimony as well)
- assault against decency (since the amendment of the Penal Code in 1997 the act in question constitutes a criminal offence in matrimony as well).

Contravention act

Dangerous threat (Among the conducts prohibited by the Contravention act this one has the most significant practical importance in the field of violence within the family)

Act III of 1952 on Civil Procedure does not contain any provision on the grounds of which cases in relation to violence in the family should be judged with special dispatch or in accelerated proceedings. (The act on Penal Procedure does not contain such provision either.) A regrettable consequence of this insufficiency is the possible protraction of procedures related to violence within the family (dissolution of marriage, child custody procedures, possessory actions, beneficial usage of flat, etc.) for years and thus, women escaping from abuse are forced to live as outlaws, homeless. To speak of effective measures on violence in the family and rights-asserting possibilities, it would be essential to accelerate the above procedures and to make them more effective or to measure at least the possibility of these respectively.

On the basis of the act on Child Protection (act XXI of 1997) the system of family-support (child welfare) services developed and strengthened. In the framework of these institutions the possibility emerges to carry out an activity on preventing and handling the violence in the family and on supporting its victims. The act declares that if mother and child are forced to escape from the common flat they shall be provided with common accommodation. The mother does not have to worry that her child will be torn from her. Till the settlement of the problem they are accommodated in so-called temporary family homes. With continued training of co-workers of such homes they would become aware of the nature of violence in the family, the endangerment

of victims, the tight link between wife-abuse and child-abuse, as well as the related facilities. With the introduction of co-ordinated training models, family-support services would continuously co-operate with other public and non-governmental organs in order to increase the efficacy of intervention against violence within the family.

Social Act

The forms and system of institutional (public) care for people becoming homeless is determined in the Social Act (act III of 1993). It is significant from the viewpoint of our subject-matter that the act does not provide for establishment and maintenance of women's "house of refuge". From current data on the number of accommodations the relative lack of women's beds is known. In the interest of solving this problem the Department of Social Services of the Ministry of Social and Family Affairs invited tenders for the year 2000, on the establishment of night refuge houses, which supports above all the creation of women's house of refuge within.

Government resolution on Victim Protection No.1074/1999. (VII.7.)

In the year 1999 the Hungarian Government passed a resolution on the protection of victims of crimes. This resolution includes several provisions that will hopefully improve both on the situation of victims of wife-abuse and of other forms of violence against women significantly.

> "The Government states that authorities under its leadership dealing with victims of crimes in the frame of administrative or other procedure, in particular organs in charge of criminal investigation, criminal prevention, public order protection, administration controlling foreigners, administration on refugees, child and family protection, social and health-care services (hereinafter authorities and other governmental agencies acting in the cases of victims) shall provide assistance for the victims of crimes in the course of their work in the interest of, apart from becoming aquatinted with their rights and duties in the criminal procedure, obtaining extensive knowledge on social, economic and health services, on further possibilities of legal advising and assistance, on services of other victim-supporting social organizations, and on the way of access to them. For this purpose the authorities concerned shall carry out an intensive campaigning activity with having recourse to the media as well; they have to provide for preparation of such educational materials (leaflets) that help the victims of crime in possession of the leaflet in conformity with the peculiarities of the crime-type in question, to gather information on the essential and possible services and actions needed to be taken by them, simultaneously with access to the service.
>
> "The Government draws the attention to behavior models to be used for the prevention of becoming a victim, in particular, in the field of prostitution-like crimes and crimes related to drugs and psychotropic substances, to the sources of deceit, to the dangers of sexual exploitation and drug addiction and further to the possibilities facilitating the improvement of the victim's situation."

II. (b) Legal policy

In the field of legislation and legal policy an urgent task is to examine the documents of the most significant international organizations (United Nations, European Union, Council of Europe) related to violence in the family thoroughly, and to study resolving models of the countries having more experience in preventing and handling the violence in the family than Hungary.

The Office for Women's Issues published two brochures in 1999 on the subject-matter of violence and implemented a training simultaneously:
1. Prostitution - Duress to Prostitution – Trafficking in Persons: Manual on Teaching Prevention and Assistance of Victims,
2. Violence in the Family ("What can the police do to combat violence committed against women within family relations?"): Translation of the material of the conference in Baden, 1998, held together by the Federal Ministry of the Interior of the Austrian Republic and the Women Against Violence in Europe (WAVE).

Services supporting victims of violence in the family (wife abuse)

Civil organizations set up telephone and legal advice services.

The development of the national network of family-aid services can be counted to our results. Our task is the continued training of specialists working in the network on the phenomenon of violence in the family and the improvement of co-operation between state organs and between state organs and non-governmental supporting organs by introducing co-ordinated training models.

The Office for Women's Issues within the framework of co-operation with the Central Statistical Office have established a standing committee in order to publish data broken down by men and women in a pocket guide form, according to data of the Swedish Statistical Office, on the issue of Violence and Crime as well, which was published in 2000.

A serious problem of the victims is that there are only a few lawyers who are aware of the nature of violence in the family and of wife-abuse and in addition have proper expertise in this field and who would handle the party's case with empathy.

The Office for Women's Issues has implemented a victim-protection experimental programme on the training of lawyers, social workers, policemen and doctors.

Article 4. *Special measures*

Positive programmes have to be distinguished from the issue of positive discrimination in a legal sense. Taking the promotion of women's into consideration it can be stated that besides the differentiation upon job, experience and qualities it may be reasonable to give preference to certain groups of employees. The quota system could be an instrument of this that has several examples in the laws of Western European countries.

According to the Hungarian law, Labour Code paragraph (3) of article 5, the basis of the preference shall not be such quality, for example the sex of the employee, on the grounds of which discrimination is prohibited. Therefore, in our country the introduction of quota system would be considered as unlawful. Being familiar with Hungary's legal, cultural, economic traditions and conditions nowadays it is very strongly debated whether a well-intentioned but "system unfamiliar" legal instrument could be successful.

Article 5. *Sex role stereotyping and prejudice*

1. Current situation

Becoming a parent

In the period elapsed since the presentation of the third report Hungary's demographic problems emerged even more seriously (in 1998 lower than ever birthrate with under 100 thousand births, rapidly aging society) and as a consequence of which the reconsideration of the social role of maternity and the support of building up and maintaining healthy families have extreme importance. (See table 1.4 in annex.)

When the CEDAW Committee analyses the measures and action programmes realized in the last period on the grounds of duties undertaken by the Hungarian State in the Convention and examines conceptions for the future we would like to draw the Committee's attention to the serious demographic problems of the Hungarian society as well, which require modification of the Convention's actual priorities, so much the more since all of Europe has to face the same problems.

To reach physical and psychological capability of the youth to be able to comply with their maternal and paternal roles, education can not be started early enough. The family and the model learnt from the mother and the father should play the most important roles. However, the past decades have their influence felt and the very regrettable fact that every second marriage ends in divorce nowadays makes it strongly doubtful that those parents who are often not even able to solve their own life could give due directions to their children. (See table 1.5 in annex.)

The survey of the Institute for Behavioral Sciences of the Semmelweis University of Medical Sciences has also proved that the disintegration of a family increases child and adult behavioral disorders, deviations, and psychiatric illnesses significantly. According to a part of the parents children go to kindergarten and to school to become "educated" and therefore they shift their own task to the educational institutes. (See table 1.6 in annex.)

School has tasks indeed on the one hand in communicating the knowledge and on the other hand in the physical and psychological education but this task can not be solved on an appropriate level without co-operation with the family. Within the school-education there exists sexual education for a long time but this is obviously not equal to make the youth prepared for marriage, to the education for family-life and to make them prepared for parent's role. There have been a few straggling efforts to introduce family-life education as a subject, there have been prepared experimental teaching resources and some schools took up, depending on and up to their financial means, the introduction of the subject as a model-experiment. Nevertheless, a unique, systematic solution, taught on the basis of teaching resources prepared for different age-groups have not been born.

The higher educational level a woman has, all the more she thinks it is worth having her first baby between the age of 25 and 29 (11.8 % of the women having completed 8 years primary school at most but 50.5 % of the women with tertiary education). The average age of women having born their first baby – 24.29 years in 1998 - reflects more or less the above way of thinking as well. In 1970 the average age of women having born their first baby was 22.56 years yet, but 22.9 years in 1990. (See table 1.7 in annex.)

Regarding any form of relationship the burden of bringing up children falls mostly on mothers further on, although in the last few years – especially since almost all of the child-welfare benefits may be required by the father as well – the change of attitudes becomes possible.

Maternity and work

Following the period of child-rearing supported by the state (especially when this period is postponed to several years because of having more children) it is difficult, particularly in the case of women living in the country in small villages, to get back to the labour market. A problem arises also from how to maintain their professional knowledge at least to a certain extent during the period of child-rearing, or to obtain new, up-to-date knowledge that could increase their opportunities on the labour market. It is to be welcomed that young mothers already have the opportunity to study, like unemployed persons, that is supported by the state, however it would be necessary to work out such educational methods which make them possible to obtain the required knowledge at home (e.g. television or other type of distant teaching) or by a placed-out teaching in their village or in a nearby village (e.g. with the involvement of telehomes, village houses, local schools). One means of creating harmony between bringing up children and working could be atypical jobs. It bears extraordinary importance that forms of atypical work should become possible, moreover attractive for fathers as well.

Education

In 1993 the act LXXIX of 1993 on Public Education (Kt.), the act LXXX of 1993 on Higher-grade Education and the act LXXVI of 1993 on Professional Education entered into force. The aims and provisions drafted in international conventions, thus the education-related articles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the aims formulated within were continuously built in these acts and into their amendments as well that became necessary in the meantime. (See table 1.9 in annex.)

II. Obstacles, political measures

The government set the aim to support families, to evolve the large-family model in which the woman undertakes - even if not for a lifetime - the role of being a "full-time" mother and the father or the companion of the mother undertakes greater responsibility in the bringing up of the children as well. This modifies the employment structure as well, since the conditions of broad-ranged implementation of atypical employment have to be called into existence (e.g. in part-time jobs, telework, participation in family business, etc.). Obviously this affects adult training whereof we have to be prepared with special programmes both in training inside the school system both in training outside of the school system.

National Family Policy Conception

The National Family Policy Conception of the Government, after comprehensive professional and social debates, is awaiting adoption. The Conception determines intervention against violence in the family as public task. The strengthening of security of the family-life, the improvement of the conditions of having children and the stopping of the decrease of the population are cardinal points of the Government's proclaimed programme. This programme meets the public opinion that considers the family as a central value as well. The Conception handles marriage as a basic value and aims to strengthen first of all the family built on marriage. The different means of family policy are lined up for the above aim: social policy, employment policy, health policy,

education policy, housing policy, fiscal policy, women policy and other instruments. The Conception aims to support the upbringing of children with different forms of financial supports (a developed and re-enacted element of this latter is a child-care benefit ("geed") that can be required from January 2000). There are new programmes in the sphere of employment as well (e.g. implementation of family-friendly workplace movement). Government resolution No. 1/2000. (I.14.) on the amendment of the Council of Ministers' resolution No. 106/1988. (XII.26.) on Housing Supports entered into force in February 2000 and includes a new, favorable system of housing credits and interest supports. Family support services, psychological healthcare, crisis-handling and mediation constitute part of the Conception as well as problem-handling of Roma families and of families living with handicapped children. The draft Conception of the Government on National Family Policy points out yet another task to accomplish - the introduction of family-life education in schools, therefore the training of instructors prepared to teach the subject is certainly an essential condition as well.

In the last few years a new kind of attitude has been gaining ground in Europe, which interprets the question of working hours in much wider sense (mobile working hours) and takes into consideration the life cycles of the employees as well (patchwork biography). The mobile interpretation of working hours and patchwork career as a new type of approach have appeared in the Hungarian employment policy as well. For the time being the examination of the different kind of solutions (German, Dutch) is in progress. Hopefully these models are going to spread gradually, adapted to Hungarian circumstances, and this also could help the mothers and fathers to find balance between having children and working.

Propagation of general knowledge, informing on the social sexual roles and on the situation of women

Within the sphere of activity of the Office for Women's Issues of the Ministry of Social and Family Affairs the Magazine of Women's Knowledge, a magazine of documents and information services, first published in 1999, has the aim to give information. The Magazine of Women's Knowledge is a data and document magazine and information service as well on women for women. The aim of building up the data-base is to collect information in as full a range as possible introducing women's situation in today's culture and society, to collect results of statistical surveys and research works, to collect information on the activity of civil women's organizations and to prepare thematic bibliographies on documents to be found in each subject-matter.

The Office for Women's Issues, in cooperation with the Sociological Informatical Association, started to build up a Women's Data-base in 1999 for the purpose to ensure access to empirical sociological researches related to sexual roles and to social inequality between men and women on the Internet.

The public-life award of the Office for Women's Issues of the Ministry of Social and Family Affairs is *"Human Dignity - Women's Dignity"*. The award wished to reward those public TV productions made in 1999 that show life-situations and possible roles of a woman in a value-creating manner, undertaking consciously the demarcation from unifacial, conventional representation.

A survey of the Institute for Education-research (1998-2001), sponsored by OTKA, examines the means of representation and outward-forms of a woman's and a man's role in schoolbooks and teaching resources. The survey is finished with a summarizing analysis to conclude what kind of social motions are reflected by the changes; in what extent have changed the represented role-

expectations; what sort of conclusions can be drawn and what kind of forecasts can be formulated for the future; what sort of practical strategies would be recommended to work out.

As from 1 September 2001 the acquisition of basic knowledge on family-life and healthcare will be compulsory in the public education system. School programmes provide more time for students to deal with these issues upon request.

In the near future will be promulgated the order of the Ministry of Education on Basic Programmes of Primary and Secondary Schools' Student Hostels, in which family-life education and, in the case of secondary schools' student hostels, assistance in acquisition of knowledge and abilities required for independent life-starting, receive a distinguished role.

These aspects come across in the compilation of school-books as well. This is guaranteed also by the fact that women undertake great part in the editing and revision of schoolbooks. In the pedagogical departments of universities serious research-work is carried out on schoolbook-publishing related to family-life education and teacher-training.

Article 6. *Prostitution*

I. Current situation

Effective legal rules on prostitution: *A* Convention was signed in New York, on 21 March 1951, for the Suppression of Traffic of Persons and of the Exploitation of Prostitution of Others (hereinafter: Convention); articles 175/B, 195/B, 201, 205, 206, 207 of act IV of 1978 of the Penal Code of the Republic of Hungary (hereinafter: Btk., in force since 1 July, 1979); chapter III of act LXXV of 1999 on the Rules of Intervention Against Organized Crime and Individual Phenomena Related Thereto and on the Amendments Connected With That (in force since 1 March, 1999); Order No. 41/1999. (IX.8.) EüM of the Minister of Health on Medical Certificates to be Given to Prostitutes.

A Brief Story of Regulation

In Hungary prostitution was ranked as a crime in the Penal Code being in force till 1993, alike the activities exploiting and making profit of prostitution (living on earnings of prostitution, pandering, promotion of prostitution), that are enshrined in the Penal Code for half a century. Till 1993 the sexual service of the prostitute was punishable both under penal law and contravention law depending on that, whether the service of the prostitute was carried out for money in a business-like manner or occasionally. These activities, because of unfortunate wording of the statement of criminally defined facts, were very difficult to prove, since on one hand the stage of "transaction" remained outside of the scope of law and on the other hand the fact of sexual intercourse and of financial compensation were to be proved simultaneously. Before 1990 several criminal case of this type "failed" on such causes or against the parties involved the penalty of the so-called vagrancy of public menace was imposed on the grounds of their life-style, which came under the law as a crime that time. Act XVII of 1993 eliminated prostitution from the circle of crimes. However, this legal solution was only a shy step towards legalization, since the threatenedness of the sexual service for financial compensation under contravention law was kept by the legislator. In parallel with this severity was increased concerning activities related to prostitution (thus, concerning the statement of criminally defined facts as follows: promotion of prostitution - article 205 of the Penal Code, living on the earnings of prostitution - article 206 of the Penal Code and pandering - article 207 of the Penal Code). The decisive step towards limited

legalization was taken in 1999 by entry into force of the prostitution-related chapter of act LXXV of 1999 on the Rules of Intervention Against Organized Crime and the Individual Phenomena Related Thereto and on the Amendments Connected With That (1 September 1999).

Among activities exploiting and making profit of prostitution the Penal Code enshrines the crime of promotion of prostitution (article 205), living on the earnings of prostitution (article 206) and pandering (article 207). The legislator defines the notion of prostitution among the interpretative provisions in article 210/A.

The person who makes available a building or another place for prostitution to another person, commits the crime of promotion of prostitution. (The crime is punishable by imprisonment of up to 3 years.)

The person who maintains or heads a brothel or makes available financial means to the functioning thereof commits also the crime of promotion of prostitution. (This conduct is punishable with imprisonment of up to 5 years). If a person who has not yet completed his eighteenth year engages in prostitution in the brothel or prostitution is promoted as part of a criminal organization the activity constitutes an aggravated crime and shall be punishable with more serious penalty (with imprisonment from 2 to 8 years).

The person who lives wholly or in part on the earnings of a person engaging in prostitution commits a felony, and shall be punishable with imprisonment of up to three years. Banishment may also take place as a supplementary punishment in case of the crime of *living on the earnings of prostitution*. (article 206).

The Penal Code of the Republic of Hungary gives regulation for the crime of *pandering* among Crimes Against Sexual Morals as well (article 207). "The person who solicits another person for sexual intercourse or fornication for somebody else in order to make profit commits a felony, which shall be punishable by imprisonment of up to three years." If the pandering is committed in a business-like manner the punishment shall be imprisonment from one year to five years.
The penalty is even more serious, imprisonment from 2 years to 8 years, if the pandering is committed

*(a) T*o the injury of a relative of the perpetrator or of a person under his/her education, supervision or care or who has not yet completed his/her eighteenth year of age;
*(b) W*ith deceit, violence or direct menace against life or limb;
*(c) A*s part of a criminal organization.

The legislator declares punishable the conduct of the person who agrees on the perpetration of pandering with imprisonment of up to three years.

The Contravention act, act I of 1968, amended by act LXXV of 1999, sanctions other prostitution-related activities. According to article 92 the person who infringes the limitation or prohibition stipulated in the act or in the order of the local government adopted upon authorization of the act, commits the contravention of prohibited soliciting. According to the Contravention act an appeal to sexual service or advertising thereof constitutes a contravention as well.

On 1 March 2000 new Contravention act entered into force that defines the contravention of prohibited soliciting as non-observation or breach of the limitation related to sexual service that is punishable with imprisonment or with a fine of up to HUF 150,000. The act provides for heavier

punishment to be imposed than the norm in force before. Among the interpreting provisions the act defines the circle of objects qualified as protected areas and the criterion of those. In the interest of the tranquillity of the protected areas the act draws new characters subject to responsibility into the scope of contravention law, that up till now have not played a role in the Hungarian law. The act establishes the basis of legal threatenedness of the *client* who is willing to benefit by the service by extending the circle of perpetrators in the protected areas and prohibiting the client to make offer or to accept an offer of that kind. It is to underline that article 145 of the act prohibits advertising and propagation of sexual services of others. (The act stipulates the mostly technical assistance as well.) In the future the above act serves as a basis for imposing public order protection fines on persons exercising press activity, information or news service and for imposing contravention fines on persons for self-advertisement or advertisement of others' sexual services in printed affairs respectively or on persons interceding or involved within respectively.

For the time being the provisions for protecting public order of prostitution are determined in act LXXV of 1999 on the Rules of Intervention Against Organized Crime and the Individual Phenomena Related Thereto and on the Amendments Connected With That. The above act drops the general prohibition of prostitution independent of time, space and means of accomplishment and under certain circumstances renders prostitution or an offer of that possible. The Contravention act is based on the model of zone-system: as a general rule prostitution may be exercised at any place where it is not prohibited by public act or by order of the local government. The act enumerates positively those parts of public places where this activity or the offer of it is prohibited. At the same time, if this phenomenon assumes unendurable size or becomes intensive at such extent, the possibility arises for the municipalities to point out so-called zones of tolerance. At this point the logic of the ruling turns round, since in this case the activity may be exercised solely within the zone of tolerance and all other parts of the public place become prohibited areas. The prostitute may offer her sexual service if she has a health certificate, prescribed in special legal rules, at her disposal. Order No. 41/1999. (IX.8.) EüM of the Minister of Health rules on medical certificates to be given to prostitutes. According to the Order the medical certificate is valid together with the identity card and the finding proving the negative result of gonorrhea and syphilis examinations can be used for 1 month from the date of issue; the result of syphilis, gonorrhea, HIV, chlamydia and hepatitis-B screening examinations is valid for 3 months. The medical examination is not free of charge; the accomplishment of the examination is initiated by the prostitute together with proving her identity at the county (city) institute for skin and venereal diseases of the Institute for National Skin-Sexual Pathology. The screening examination is directed towards *finding* or *preclusion* of syphilis, gonorrhea, HIV, chlamydia spreading through sex, and infection of hepatitis-B. In the three months following the entry into force of the order (September-December) 12 persons presented themselves for such screening examination.

The Hungarian Penal Code enshrines the crime of *trafficking in human beings* among "Crimes against personal freedom and dignity" (article 175/B), which in the basic case is worded as follows: "Any person who sells, purchases conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offense and shall be punishable with imprisonment of up to three years." The act provides for punishment of up to two years imprisonment for preparatory activity, which constitutes a misdemeanor offense.

The punishment is imprisonment between one and five years if the criminal act is committed against a person deprived of personal freedom, against a person under the age of eighteen for the purpose of forced labour, or for the purpose of sodomy or sexual intercourse, or to involuntarily

engage in such with another person. Apart from the above several forms of this crime are punishable more seriously regulated by the article in question: these conducts are punishable with imprisonment between two to eight years, between five to ten years, between ten to fifteen years or life imprisonment.

The legislator rules the act of the person "maintains the status of deprival of the victim's personal freedom who was acquired and deprived of his/her personal freedom through trafficking in human beings and forces such victim into forced labour" within the crime of violation of personal freedom. The punishment is imprisonment between 2 to 8 years (paragraph 2 of article 175).

Criminal regulation concerning trafficking in human beings entered into force on 1 March 1999. In the following 10 months two penal cases were registered by criminal statistics, realizing the statement of criminally defined facts of trafficking in human beings (article 175/B) and violation of personal freedom related to trafficking in human beings (article 175).

Regulations on children's prostitution. Article 202 of the Penal Code provides for culpability of crimes related to children's prostitution under the headword "Seduction". According to this the person who induces a person who has not yet completed his/her fourteenth year to have sexual intercourse or to fornicate with another person commits a felony and shall be punishable with imprisonment from one year to five years. The person who has completed his/her eighteenth year and strives to persuade a person who has not yet completed his fourteenth year to have sexual intercourse or to fornicate with another person commits a felony, and shall be punishable with imprisonment of up to three years. These conducts are punishable with more serious penalty (imprisonment from two years to eight years, or from one year to five years, respectively) if the injured party of the crime is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

The crime of production of prohibited pornographic pictures is in force since 1997. According to this a person making pornographic pictures of a minor by video, film, photograph or by any other means, distributes or trades such pictures, commits a felony and shall be punishable with imprisonment between two to eight years. A person having a minor participating in a pornographic show or providing financial means thereto shall be punishable as set forth above.

I. Measures between 1991 and 1999

The Sexual, Moral Protection Squad was established in 1999 within the framework of the Budapest Police Headquarters (BRFK) Department for Combating Organized Crime, Department of Criminal Intelligence. The task of the Squad is to investigate crimes and their perpetrators related to or in connection with prostitution. The Squad co-operates with more investigating units, with central organs of the National Police Headquarter (ORFK) and the Budapest Police Headquarters and with social and economic organizations respectively. The job of the Squad is divided into sections connected to the outward forms of prostitution. On the basis of this separate sections deal with street prostitutes, with brothels, with nightclubs and with prostitution directed to foreign countries. In relation to street prostitution a dynamically increasing tendency can be observed in Budapest from 1993 till 1 October 1999. The reason for this is to be searched in inadequate statute regulation. The decrease of street prostitution can be linked with the entry into force of act LXXV of 1999. Thus e.g. in district VIII of the capital the number of prostitutes reduced from 700 persons to some 100 persons. Simultaneously with this obviously a certain rearrangement has started among prostitutes and their pimps, which may mean a migration to other places (city, country) or a position –search in another branch of organized crime. The

question of the hour is the marking out of zones of tolerance that gives rise to mixed opinions among prostitutes and their pimps; one part of them is already waiting for the marking of the zone where they can further exercise their activity, another part of them thinks on the contrary that the offering in the zone of tolerance means much limited source of income "compared to the foregoing".

The clearing up of pandering, living on the earnings of prostitution and materialized trafficking in human beings is very difficult, which is impeded further by the threat of the persons involved and of foreign injured parties from the perpetrators' side. Street-prostitutes and groups, advertising themselves in most cases in the written press, specialized in offering sexual services for financial compensation acting in the capital are being continuously charted. In the future there is a need to search for positions in the prostitution related criminal organizations, paying special regard to the zones of tolerance to be marked out some time.

Strengthening of international relations. The fact that the trafficking in women has become an international industry called for institutional intervention of the states' authorized criminal intelligence and investigating organs against this entangled and extremely harmful phenomenon. With respect to Hungary the Interpol Hungarian National Office has also noticed in its caseload the increase of such cases when other countries gave signals of illegal staying and sexual exploitation of Hungarian girls and women and the activity of their procurers and keepers respectively in their country. Differing from the foregoing international practice the Secretariat of Interpol implemented the "Vigilance Project" that aims to improve data exchange on victims of the trafficking in women that helps to establish the identity of the persons put up for sale, to find out the route of their "dispatch", the arrangement of profit and exploitation, thus helping the investigating authorities of member states. In Hungary the clearing up of trafficking in women into foreign countries is impeded by the lack of close and all-out co-operation among the authorities in charge of public security, the tardiness of information flow and the mentioned passivity of the persons involved. For the time being considering Hungary's view on trafficking in women, it can be concluded that at the moment we only follow the events but do not apply the prevention.

IOM (International Organization on Migration) with the assistance of EU and in cooperation with Hungarian governmental organs implemented an information campaign in the interest of preventing trafficking in women in the autumn of 1999. The campaign set the goal to inform Hungarian women and the authorities concerned on the trafficking in women and the consequences of that comprehensively. To prepare this they carried out data collection and research with the involvement of outside experts on the situation of trafficking in women in Hungary and on the grounds of this evolved forms of information to be employed. The duration of the project is 9 months.

The Pest County Police Headquarters has established co-operation with different social organizations with the aim to push prostitutional activity into the background since the prostitute, deriving from her activity, is a victim as well, and so police officers dealing with crime prevention and retired teachers question and give necessary legal advice to prostitutes in the victim-protective bureaus.

Government resolution No. 1074/1999. (VII.7.) on the legislative tasks and other measures to be taken in the interest of the protection of victims of crimes and of their relatives and of the compensation and release of their damage passed decisions on several questions, in particular, concerning the revision of rules of criminal and criminal procedure law in the interest of more effective rights enforcement of the injured persons. Within this sphere the resolution contains

objectives directly and indirectly related to the exploitation of prostitution, forcing to prostitution and to the victims of trafficking in human beings, designating at the same time the possibilities and the deadline of realization in the period between 1999 and 2000.

In the future increased attention has to be given in the practice to general preparation of persons getting in touch with victims in the field of dealing with victims and further to the reasons and mechanism of becoming a victim, to victim-aid and to other significant questions. At the same time there is a need for special training of persons dealing with certain groups of victims (children, women, foreigners) or dealing with victims of certain crimes (crimes against sexual morals). It is necessary to hold common training and communication practices for the representatives of victim-aid organizations and for police co-workers, therefore the Office for Women's Issues implements a training in 2000. In December 1999 the secretariat together with a civil organization published a manual for persons dealing with people involved in forcing prostitution and trafficking in human beings. The Ministry of Social and Family Affairs supports the street social work financially as well, that is directed, among others, to maintain psychological healthcare and assistance in reintegration.

Part II

Article 7: *Political and public life*

a.) Women's right to vote

The acquisition of the right to vote was a fundamental condition of women's participation in politics.

As a result of social changes brought about by the First World War in Hungary People's act 1 of 1918 ensured general, secret, direct, active and passive right to vote for women as well but made it dependant on several conditions. Leaving out of consideration the provisional period following the Second World War (1945-1947) the right to vote was breached not by discrimination between men and women but the state party determined the circle of people eligible for election, therefore one cannot talk about the right to vote, only about the duty to give in ballots.

In 1989 resulting from the round-table negotiations the new act on Elections was passed which integrally fits in the constitutional system worked out during the negotiations having its roots in the Hungarian legal traditions. A two-round election system was worked out, this way the first free democratic elections took place on 25 March and 8 April 1990. The number of MPs is 386; a seat may be won in constituencies, on regional lists as well as on national lists. 176 mandates may be obtained in constituencies, 152 on regional lists, and 58 on national lists.

The three democratic elections having been held until now indicate that women's rate among MPs is stable at around 10 percent.

Women's share in governmental work is small. In the first government there were no female ministers, in the second one two women ministers worked succeeding each other, in the present government the Ministry of Justice is led by the female president of one of the coalition parties. Among the secretaries of state women's rate is similarly low, however women's participation is vast in the administration, the judiciary, education, health care. Especially in education the feminization of the teaching profession raises problems, but they gained a majority in the administration too.

A tertiary educational degree is expected from both male and female politicians but electing women politicians in constituencies is extremely rare, not just in general elections but also in local ones.

Table 1 (a)

Women's participation in the general elections as candidates (1990-1998)

Year of election	Parliamentary elections			
	Candidates		Elected representatives	
	Men (%)	Women (%)	Men (%)	Women (%)
1990	91.5	8.5	93.0	7.0
1994	90.0	10.0	89.1	11.2
1998	85.8	14.2	91.7	8.3

Table 1 (b)

Women's participation in the local elections as candidates (1990-1998)

Year of election	Elections for mayor and for municipal representatives			
	Elected mayors		Elected municipal representatives	
	Men (%)	Women (%)	Men (%)	Women (%)
1990	89.2	10.8	84.4	15.6
1994	89.6	10.4	79.8	20.2
1998	87.3	12.7	76.0	24.0

b.) Women in political power in the light of numbers

The assurance of equal opportunities between men and women and the creation of the necessary institutional system are conditions for democracy to prevail. Women's drifting towards the periphery in political decision-making processes is at first sight a paradoxical phenomenon in our society becoming pluralized and democratized.

Women in Parliament and in local governments

In 1980 almost one-third of the MPs were women (figure 1). Though as the double candidate system was introduced and the voters' will became prevailing women's rate lessened but it still belonged to the top countries of the world.

In the first election following the change of regime women's rate in Parliament dropped back drastically (7.0 percent). In June 1991 women's participation in Parliament was lower only in six countries of Europe than in Hungary.

Figure 1

Percentage of women in Parliament, 1945-1998

The results of the second election (11.2 percent) pointed to the beginning of an emerging tendency that did not continue in the 1998 elections. Women's rate dropped back again (8.3 percent) and nowadays compared to European Union member states it is the lowest preceding Greece (6.3 percent). More moderate parliamentary rates of women are found only in the former socialist countries to the east and south of us and in the majority of the countries of the developing world. The domestic image is unfavorable also in the Central-European region in the circle of other countries in transition.

Over the elections women were at a disadvantage already at the start, a small portion of candidates were women, though the continuous increase of their rate is a noteworthy and favorable tendency (table 2). In the elections their disadvantage was growing, their chances of being elected were worse than those of the men.

Table 2

Number and share of candidates for parliamentary elections by sex, 1990-1998 (%)

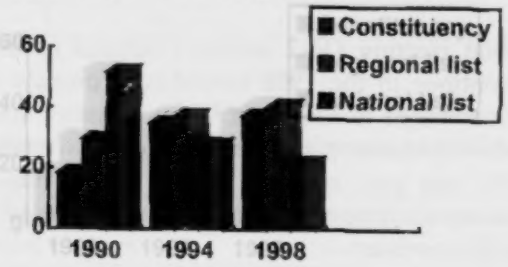
Candidates	Women	Men	Total
	1990		
Number of candidates	231	2 492	2 723
Percentage (%)	8.5	91.5	100
	1994		
Number of candidates	278	2 489	2 767
Percentage (%)	10.0	90.0	100
	1998		
Number of candidates	605	3 657	4 262
Percentage (%)	14.2	85.8	100

Men's chances of being elected were better in every age-category except for the one between 61 and 70. Male candidates between 31 and 40, while female ones between 41 and 50 had the best chance of being elected. The development of a favorable tendency is indicated by the fact that in 1998 the rate of women among candidates was increasing in the younger age-categories.

The low rate of women in the Parliament was brought about decisively by the voters. In 1990 the rate of women elected directly in constituencies did not even reach 3 percent (2.8 percent - fig 2). The substantially increasing tendency in 1994 (8.7 percent) was followed again by a decrease in 1998 (6.8 percent). The rate of women getting in from party lists, especially from national lists is considerably higher than that of the MPs elected directly by the voters. At the beginning more than four-fifths, then two-thirds of women MPs were placed in the Parliament by parties on their lists. Voters' increasing confidence in women MPs is shown by the fact that while in the first election hardly one-fifth (18.5 percent), in 1994 one-third (34.9 percent), in 1998 already more than one-third (37.5 percent) of the MPs got in from constituencies.

Figure 2

Female MPs by way of obtaining the mandate, 1990-1998



Men and women = 100%

In most cases voters' assumption is well-grounded that a representative's mandate requiring lots of time and energy can be better exercised by men who are less burdened with household and family matters. This assumption is indeed sound when it comes to women with children – especially with small ones. However voters generalize and the image created about women gets fixed in the common knowledge as a prejudice throwing also on women who are not hindered in efficient work by family duties.

In Hungary there are few women among the functionaries of the Parliament. As for vice-presidents of the Parliament the situation is favorable: all along there have been one or two women present. Among the chairpersons of parliamentary committees women have been scarce in each cycle. Women's participation in committees remains below their parliamentary rate (7.3 percent) while there are a lot of men who take part in more than one committee. There are committees where women are completely missing (committee on budget and finance, defense, youth and sports, education and science, urban development, audit office committee, committee on immunity, incompatibility and mandate). Women's rate is the highest in the committee on social and health affairs but it exceeds the average of their presence in Parliament in the committees on culture and the media, European integration affairs, in the constitutional and judicial committee, as well as in the one on local government and internal security (table 3). From the 63 subcommittees 6 are presided over by women, which slightly exceeds their average rate (9.5 percent).

Women's chances of getting into the Parliament are substantially determined by the election system. A considerable part of countries applies "positive discrimination" (quotes, place reserves, appointments) for the purposes of assuring or increasing women's rate considered appropriate. Hungary does not apply "positive discrimination" for the benefit of women.

Women in local governments

In consistency with the international experience local elections gave women more elbow-room. Both among candidates and elected members of the councils of representatives women's participation increased between 1990 and 1998. In smaller communities women got in local governments in higher rate than in big cities. In 1990 in smaller communities 10 percent of the mayors were women while in cities only 3 percent. Here also – like everywhere else – the "pyramid principle" rules: on the top, on posts with better reputation women have worse chances than men do. However results indicate as well that women have advantages in elections based on face-to-face contact, the persistently reproducing prejudice against them can be overcome only by personal contact.

Table 3
Number and rate of women participating in the permanent parliamentary committees

Committee	Chair-person	Vice-chair-person	Members	Total number of members	Female members (%)
1) Constitutional and Judicial Committee	-	-	4	30	13.3
2) Committee on Economic Affairs	-	-	1	30	3.3
3) Committee on Budget and Finance	-	-	-	30	0
4) Committee Local Government and Internal Security	-	2	3	30	10.0
5) Agricultural Committee	-	-	2	27	7.4
6) Committee on European Integration Affairs	-	-	4	26	15.4
7) Committee on External Affairs	-	-	1	26	3.8
8) Committee on Health and Social Affairs	-	-	6	21	28.6
9) Committee on Human Rights, Minorities and Religions	1	-	2	21	9.5
10) Committee on Employment and Work Affairs	-	1	2	21	9.5
11) Committee on Defence	-	-	-	21	0
12) Committee on Tourism	-	-	1	21	4.8
13) Committee on Youth and Sports	-	-	-	21	0
14) Committee on Environmental Affairs	-	-	1	21	4.8
15) Committee on Culture and the Media	-	-	4	21	19.0
16) Committee on Education and Science	-	-	-	21	0
17) Committee on Urban Development	-	-	-	23	0
18) Committee on Internal Security	-	1	1	15	6.7
19) Audit Office Committee	-	-	-	14	0
20) Committee on Non-Governmental Organisations	-	-	1	14	7.1
21) Committee on Procedural Issues	-	-	2	14	14.3
22) Committee on Immunity, Incompatibility and Mandate	-	-	-	12	0
Total	**1**	**4**	**35**	**480**	**7.3**

In the 1998 local elections women's position improved to some extent but even then a significant breakthrough did not happen. From the 23 districts of the capital there are 3 women mayors (in

the 11th, 14th, 17th districts). In cities with a population over 10,000, 5.1 percent of the mayors are women. Behind the average numbers the territorial dispersion is considerable: in big cities of 15 counties there are no women mayors at all. In three counties there is one woman mayor respectively, in one county – two women mayors.

In the communities with population under 10,000 also at present women's rate is higher than in big cities: 12.8 percent on average. Though the dispersion is considerable (7.6 percent in Pest county and 19.4 percent in Jász-Nagykun-Szolnok county), between the two extremes in most counties the rate of women mayors is between 11 and 13 percent. Women's participation among members of the capital and county assemblies is smaller (9.1 percent) and the dispersion is considerable: between 2.5percent and 17.5 percent.

Women in the government

Women's under-representation in the government of Hungary is conspicuous. One woman minister, 2-4 secretaries and 3-4 deputy secretaries of state represent the female sex in the government.

Following the change of regime there has been one woman minister in the government. (Two ministers without portfolio, the minister of labour, at present the Ministry of Justice is led by a woman.)

In recent decades the governmental network of the protection of women's interests has been established in the developed market economies. In these and in numerous developing countries a ministry organized exclusively for this purpose, a section of a ministry, other state institution or an independent institution maintained by the state is dealing with women's matters. From the 96 countries prepared to go through the IPU survey in 81 (84.4 percent) governmental organs of the protection of women's interests were set up already in the eighties. At the beginning of the nineties in 24 countries a ministry, in 57 other countries a governmental body set up for this purpose was responsible for women's matters. The establishment of the interest protection system has been accelerated following the Fourth World Conference of Women (1995) and also the European Union accepted as priority the creation of equal opportunities between men and women.

Women's national mechanism

Following the change of regime in Hungary the Cabinet of Human Policy operated by the Ministry of People's Welfare took care of women's affairs. In its Experts' Commission researchers responsible for women's matters were given confidence to work out a program on surveillance of women's situation. As a gesture to the Beijing proposals (action Program) the government set up the Secretariat of Women's Policy, subsequently called Office for Equal Opportunities within the Ministry of Labour. The establishment of a governmental body in charge of matters relating to equal opportunities meant in itself a huge step forward compared to the preceding apparent uninterest. Within its narrow scope the secretariat struggled to make the question of equal opportunities popular and to implement them. With press connections and reactions coming to life the interested public opinion became aware of the question of equal opportunities. Linked to the secretariat's activity a successful test case was organized, new in domestic circumstances, that took aim at discrimination when taking on employees. The efforts to draw in the civil sphere and the results achieved in this respect may be appraised as efficient steps.

Currently the governmental mechanism operates under the name of the Office for Women's Issues in the framework of the Ministry of Social and Family Affairs. Over its short existence it has taken considerable steps and is actively moving forward. It is extending its relations with the civil sphere and the researchers. It stresses the efficiency of spreading information, places a great deal of information materials at the disposal of the interested. In October 1999 it established the Council for Women's Issues. In the framework of the COMET program in conjunction with NGOs and trade unions it is preparing a nationwide expert network for introducing, spreading and adapting domestically the European Union's policy of equal opportunities. It works on the form and method of the operation of the governmental mechanism. It supports the organization of the training of experts dealing with equal opportunities.

In October 1999 the Council for Women's Issues was formed which will hopefully be a useful body of women's interest protection. The Parliament reacted sensibly to the changing requirements; within the framework of the Committee on Human Rights, Minorities and Religion the sub-committee on women was set up in 1998.

Women in parties and in their leading bodies

In developed market economies women's organizations, political parties and NGOs are the most active in the struggle for women's rights and for their enforcement. Women's rate among party members is below their rate within the population all over the world.

There are no accessible data on members and structures of domestic parties. In accordance with the survey of the Interparliamentary Union women's rate in parties is in line with the international situation. In October 1991 women's rate was the highest in the Christian Democrat People's Party (37.0 percent), followed by the Hungarian Socialist Party (34.0 percent), the Young Democrats' Association (32.5 percent), the Free Democrats' Association (24.0 percent) and the Independent Smallholders' Party (19.0 percent). The source does not publish any data about the Hungarian Democratic Forum.

From the perspective of the use of power women's rate in parties is less important than their participation in parties' leading bodies on which there is little information as well.

Up to now there have been two women leading traditional parties and/or parties in Parliament. Due to the lack of domestic data we rely on the IPU survey which refers to one-fifth as women's rate in the leading bodies of parties in Hungary.

Woman sections within the political parties play an important role in women's interest protection. The Hungarian Democratic Forum, the Hungarian Socialist Party, the Christian Democratic People's Party and the Independent Smallholders' Party have woman sections and the Young Democrats' Association has a strategic workshop. A feature of the countries with changing regimes is that women's movements pluralize and parties' woman sections are formed in parallel.

Women in trade union leadership

A decisive role, a fundamental space is given to women's political participation by several interest protecting bodies: first of all trade unions and women's organizations. In most countries of the world women's rate among trade union members is higher than that within parties but women are less organized than men. Woman sections of trade unions play an important role in the developed market economies; their delegates represent women's interests on three-party discussions.

The economic-social transformation in Hungary brought substantial changes also in the trade union movement. The great number of closing or changing workplaces has made a bad influence on organized trade union organization. The previous organization of 70-75 percent dropped back; nowadays 38-40 percent of the people working in the private sector are trade union members. 50 percent of the union members are women. Without any recruiting campaigns in recent decades – since the sixties – women have been more organized than men. Women's representation among union functionaries reflects their rate up to the medium level but not any higher; women's presence among union top officials on separate levels is one third. The International Association of Free Trade Unions has been since 1996 urging the elimination of problems of equal opportunities within trade unions, since 1998 encouraging and helping with several means the development of a woman network.

It is remarkable to emphasize the fundamental fact that it is not enough just to raise women into positions but it is also indispensable to create the necessary conditions for efficient work.

The role and significance of women's movement

Women's organizations play a decisive role in the recognition, realization and safeguarding of women's interests. The weakening of domestic women's movements after 1945 has a decisive role in women's present lukewarm demand and limited interest in participating in politics.

Participation in different parties, interest groups, women's movements and especially in their leading bodies is of the essence in respect of women's activization on one hand because it is a pre-school for participants in which methods of getting into power and of using it may be learned. On the other hand it is important because the way towards the top decision making areas, i. e., to the Parliament and to the government, leads through these channels. In this respect different professional organizations and clubs lobbying to achieve important goals play an important role as well. The highly atomized society of women is squeezed out of this formal and informal network leading to power, which makes it even harder both to get into power there and to exercise it effectively.

From the financial support distributed by the Parliamentary Committee of Social Organizations which amounted to HUF 3,494,204,000 between 1991 and 1999 a bit more than 1percent was given to women's organizations (see annex).

Social conditions required for political participation

The most important social framework of women's political participation is the level of their education, the level and structure of their employment as well as the infrastructural conditions necessary for harmonizing the double duty (gainful employment and household duties) borne by them. The high level of education offers favorable conditions while the drastic decline of employment and the lack of infrastructural conditions hamper the demand for political participation and equal opportunities in participation.

The level of employment substantially influences the political activity of the population and the possibilities of activization, since those wishing to become politicians acquire the norms and ways of behavior indispensable in the political sphere through working in the competitive sector. However, to the individual the wage-earning job is more important yet to maintain the family's living standard since still only two workers are able to produce the essential conditions for everyday life.

Following the change of regime the employment including the level of women's employment dropped back enormously and the number of the unemployed has increased. Other methods of withdrawal from the labour market, such as retirement, support for women bringing up more than three children, the resort to child care benefit and allowance as well as longer stay of the youth in the educational system play a role in the decline of women's employment.

In addition to low level employment, the structure of women's employment is unfavorable: most women are in the lower spheres of the employment hierarchy. Women's rate is low among leaders, especially among top leaders. It deserves attention because the newer generation of political leaders mainly come from the leading or high-qualified positions of the economic and cultural sphere. Women's chances of getting into the political decision making process is restricted by their under-representation in the economic management. This is verified by an international comparative study made in 1994 concerning 30 high ranking political leaders. More than three-quarters of the men and hardly more than half of women interviewed had been in leading positions at their previous workplaces. While half of the men were top level leaders, only 2 of the women were. The substantially faster career of men is verified by the fact that three-quarters of them had not yet been in a leading position two jobs before, while this is true only for one-third of the women.

To sum up it can be stated that the low level and unfavorable structure of women's employment, their disadvantage at the labour market, the long working and housekeeping hours all contribute to women's passivity in politics.

Social conditions necessary for harmonizing women's dual duties

Due to their special role in the social division of labour working women shoulder the performance of dual duties. In addition to gainful employment they bear the brunt of household and child upbringing duties. That means excessive burden of work on them, most of them work 14-15 hours a day including travel time. The two different duties can be done in a relatively efficient way only with social assistance. In the lack of this these women can cope with the duties fallen or shifted on them with difficulties and they can deal with them to the detriment of their spare time and political role.

The system of social conditions of coping with dual duties is incomplete. The economic constraint of full-time employment means an eight and a half hour working time a day on average. In spite of all the advantages of the child support system, if only women recourse to it, it can restrain their professional progress, preserve their disadvantage at the labour market, therefore their political activity and demand for positions.

The reduction on children's institutions puts women with gainful employment in an awkward position though in 1997 96.1 percent of the age-group concerned went to kindergarten. Smaller communities are constrained to close children's institutions due to the decrease of the number of children.

Nevertheless among the family policy services the development of children's institutions (crèches, kindergartens, day-nurseries) and access to them in Hungary exceeds the standard of more developed countries. Family assistance centers and children's institutions are providing basic child welfare supply, moreover the development of family day-nurseries and the deputy parent network has started with training and services.

In recent decades a special asymmetry has ruled the notion of bringing women into social division of labour in Hungary and all over the world. While the majority of women flowed into the world of gainful work, their household duties did not decrease proportionally. Also nowadays women spend on average thrice more time with household, child upbringing and around-the-house jobs than men.

In Hungary the social conditions required for women's political participation are partly existing, partly lacking. The high level of education offers favorable conditions. Due to the decrease of the level of employment, the worsening economic situation of families and the excessive burden of work on men, the restoration of traditional division of labour links women again to traditional household duties becoming more and more difficult to organize, thus leaving little energy to family care, rest, relaxation, hobbies. With the social assistance necessary for the reduction of the dual burden lacking, a sudden improvement cannot be expected in political activity of women with family and children and in their participation in decision making processes. The social public opinion votes for the traditional role of the sexes; according to a survey women's greater participation in politics would be supported only by one-third of the population.

Searching the opportunities of change, the possible alternatives should be looked for in the decisive factors of women's political activization. The example of the developed market economies shows that the acceleration of women's initiation results from the mutual recognition of identical interests. In the course of the preparations for the elections the leading bodies of parties presumably realize that the party likely to win the elections is the one which can persuade most from more than half of the voters (from women). The leadership of trade unions will presumably recognize that its scope will move towards women's interest safeguarding and in its policy it will follow the change of the more developed European partners in the eighties. Women's movements will hopefully become stronger, women will recognize that they are exposed to danger thus women and activists fighting for the recognition, realization and assertion of their interests will presumably find each other.

In the light of all this it is assumed that a more "woman friendly" social environment than the present one will inspire talented and suitable women in the interest of themselves, other women and the society to undertake the political role which is yet in conflict with their traditional role and which seems ungrateful in many respects.

Article 8. *Representation*

When appearing at the international level members of Hungarian governmental delegations are appointed on the basis of their expertise and almost without exception women as well participate in their work. The composition of delegations by sex reflects the rates of participation in the public sphere as well as of presence in public life.

The breakdown by sex of the staff of the Ministry for Foreign Affairs reflects the Hungarian situation in the civil service. (It has to be noted that the diplomatic profession in the public thinking still appears as a profession occupied by men.) The open competition for Foreign Service as well as the system of regular progress and qualification serves as guarantees that none can get into an unfair position because of his/her sex.

In the period preceding the 1990s first of all those having graduated from the international relations department of the University of Economics and the IMO in Moscow applied with the best chances to the Ministry for Foreign Affairs, but since 1991 the number of those having a

degree of other tertiary educational institutions has been much higher. The sudden increase of the staff from 1995 can also be explained by the staff demands of the NATO and EU accession. At the same time these facts caused the proportional but not drastic increase of the number of women employees.

A total of 12.9 percent of the diplomatic staff are women employees; their rate is similar in the staff at home and abroad. Due to the specific nature of the diplomatic service, especially young women at the beginning of their career think it is worth considering if they can undertake

- long-term commissioning as a single,
- the possibility of founding a family and having children late compared to their age-group,
- in case of diplomatic couples – on long-term commissioning – the temporary suspension of their own career,
- the temporary suspension of employment – in case of long-term commissioning – of the spouse with other profession.

Of course there are alternative solutions (e.g. the spouse's employment at the foreign representation) but their systematic introduction is at an early stage yet.

The breakdown by sexes of persons in leading positions within the Ministry for Foreign Affairs shows the picture of the national average in the central administration.

Article 9. *Nationality*

Act LV of 1993 on Hungarian nationality (hereinafter: act) contains provisions concerning nationality. The act states as a basic principle that "there shall be no discrimination between nationals on the basis of the title of the derivation and acquisition of nationality".

The act exactly determines the cases of derivation, acquisition and cessation of Hungarian nationality. The regulation is uniform; it does not distinguish between men and women. Women and men have equal rights to acquire Hungarian nationality or for their nationality to cease. The act states as a main rule that "the child of a Hungarian national shall become a Hungarian national by birth", moreover "the Hungarian nationality of the child of a non-Hungarian parent shall derive with retroactive effect to the date of birth, if the other parent is a Hungarian national on the basis of an acknowledgement of paternity of full force, subsequent marriage or the establishment by a court of fatherhood or motherhood". In consequence if either the mother or the father is a Hungarian national, the child can acquire Hungarian nationality by birth. The act does not distinguish between the parents; both of their nationality may be decisive to the child's nationality.

Marriage may have importance for the acquisition of nationality by naturalization but not for its cessation. In this respect the act states that a non-Hungarian national may be naturalized on preferential terms among others, if he/she has resided in Hungary continuously over at least a period of three years preceding the submission of the application and "has lived in a valid marriage with a Hungarian national for at least three years or the marriage terminated through the spouse's death" provided that other legal requirements are met as well.

Act XII of 1998 on travel abroad (hereinafter: act) as well as the government order No. 101/1998. (V. 22.) on its implementation contain provisions on passports. The laws determine the proceeding of acquiring a passport and its procedural rules. It also determines how minors can obtain passports. Thus at present minors can get their own passports in Hungary, but according to

the law in case of minors and persons under curatorship the declaration of the parent (legal representative) made before a notary public, public guardianship authority or passport authorities on agreement to the issue of the passport or the copy of a final court decision verifying the termination or intermission of custody rights shall be attached to the request for travel documents. In consequence parents' agreement is necessary for the child's travel abroad. However in possession of a valid passport spouses can travel abroad without the other's official permission and they do not need the other's permission for the acquisition of a passport either.

Part III

Article 10. *Education*

The currently effective constitutional and legal framework; the present situation

Equal opportunities in education

In the 1990s the educational system went through a substantial change in Hungary. The level of the population's qualification and skills has increased. On neither of the levels of the Hungarian educational system we can talk about discrimination between men and women. On the grounds of civil rights and legal provisions everybody may participate in education.

Conditions are equal in the choice of career, in obtaining a diploma in the country and in cities, in all kinds of institutions women and men have the same rights. Employment and further educational data show the direction of the realization of totally equal opportunities for women in all fields of education, in vocational training, adult and further education.

In 1993 act LXXIX of 1993 on public education (APE) was published. paragraph (7) of article 4 of APE states that in public education negative discrimination is forbidden on any grounds, especially on the grounds of the child's or his/her relatives' colour, gender, religion, national and ethnic status, national, ethnic or social origin etc.

Act LXXX of 1993 on tertiary education (ATE) in its provisions maintains and assures equal opportunities for women and men in pursuing tertiary educational studies. (The act on tertiary education was modified in 1996, 1997, 1998 and also in 1999.) Irrespective of sex scholarships and other student grants can be applied for, equal terms are assured in the choice of career, in studies and in obtaining degrees.

Exemption from tuition fees

The extension of the exemption from tuition fees was the new Parliament's first step in 1998as it is found in paragraph (5) of article 31 of ATE.

By virtue of subpart (3) of article 12 students receiving childcare allowance or child educational support and participating in second or further basic education are entitled to exemption from tuition fees. With the incorporation of this provision – that happened in the summer of 1998 – the Government wished to facilitate women's position by providing additional (tuitional) advantages to compensate them for having and raising children. It can clearly be stated from the above provisions that the law does not allow any kind of discrimination concerning women.

Level of qualification

While in younger age-groups the level of women's qualification has already exceeded that of the men, its nature and professional direction strongly differs from that of the men and this fact is the main reason for their less favorable position on the labour market. Women represented less than one-third of those graduating from apprenticeship and technical schools, they already had majority of secondary school graduates, but they were over-represented especially in grammar schools providing general studies. Women poured first of all into colleges, thus in 1990 their rate was 53.7 percent of people with college (tertiary educational but not university) degrees and 35 percent of those with university degrees.

Share of women to regular students of secondary and tertiary education (%)

	Apprenticeship school	**Secondary school**	**University, college**
1991	33.2	57.4	49.0
1995	35.2	54.8	52.0
1998	36.3	53.8	53.2

Between 1991 and 1998 women's rate continuously went up in apprenticeship schools and universities, colleges, but dropped back in secondary schools. This indicates that social differentiation among women has become stronger getting more space on one hand in apprenticeship school education, on the other hand in tertiary education.

In the 1990s the basic segregation of professions by sexes remained. In the professions of the light industry, commerce and service sector women are over-represented, they are practically not present in the heavy industry and their position may be considered medium in agricultural professions and catering.

In the tertiary education the increase of women's rate may be experienced in the technological, agricultural and veterinary departments. The accreditation of tertiary educational institutions to the European Union training has started and may end by the date of the accession.

In the Ph.D. education women occupied a favorable position but their rate among students in doctorate programs falls behind compared to their rate within university education (49.9 percent-40.4 percent), but notwithstanding this is uniquely high.

It is a well-known phenomenon that in certain stages of the school system women's rate is very different and follows the "pyramid principle". While in schools mainly women teach, their rate among principals is much less. In case of lecturers in tertiary educational institutions a further inner "pyramid" exists. Women's rate in higher positions is less and less.

Share of women to pedagogues by education level (%)

	1991	**1995**	**1998**
Elementary school	83.5	84.1	85.2
Apprentice school	36.3	38.8	43.4
Secondary school	60.4	62.6	64.6
University, college	34.6	36.7	37.8

Training outside the school system

In the OSAP statistical system of vocational training outside the school system data on the composition of participants in training have been available since 1995. According to the processed data of 1996 from the 44,000 participants in almost 1,800 vocational training 56 percent are men and 44 percent are women. This rate slightly changes if training are examined taken apart OKJ (68percent), non-OKJ (20percent) and other training (12percent). In training offering qualification recognized by the state (OKJ) women's rate was 52percent, while in training of other classification mostly men took part, 81percent in total.

The level of women's education

In recent decades the level of women's education increased substantially and approached that of the men, in younger age-groups even exceeding it (table 4).

Table 4
Women and men by education level on January 1, 1996 (%)

Population groups	Women	Men
Population aged 10 and older with less 8 than classes of elementary school	0.5	0.7
Population aged 15 and older with 8 classes of elementary school or more	67.7	64.9
Population aged 18 and older with secondary education or higher	23.6	27.4
Population aged 25 and older with tertiary educational degree	8.2	7.0
Total	100	100

The education of the wage-earning population is more favorable than that of the whole population. In 1997 27.3 percent of the wage-earning men had secondary school, 14.1 percent had tertiary educational degrees. According to both indexes wage-earning women's situation is more favorable; 40.3 percent have secondary school, 16.4 percent tertiary educational degrees. The 1990 national census was the first time when the rate of working women with tertiary educational degrees (12.7percent) was higher than that of men (11.9percent). The relatively good level of education creates favorable conditions for the development of women's political activity.

Table 5
Active earners by education level and sex, 1997 (%)

Level of education	Women	Men
Less than 8 classes of elementary school	0.9	1.0
Elementary school	24.2	19.1
Apprenticeship school	18.2	38.6
Secondary school	40.3	27.3
Tertiary education	16.4	14.1
Total	100	100

Necessary measures, difficulties, started initiatives

We consider it important to organize experimental programs directed especially towards women within the circle of disadvantaged and cumulatively disadvantaged strata (low-educated, strugglers with personal and adaptation problems, with learning difficulties, medically damaged, disabled etc.). These may include programs on choice, orientation and correction of career, on public information and professional remedial programs as important elements of successful professional training.

We propose to expand the activity of choice and correction of career with career-advise among girls and young women in the framework of trainer education, taking advantage of the possibilities of the World Bank project and teachers' further education.

We consider necessary to work out and introduce in co-operation with the ministries concerned experimental training programs helping middle-aged and elderly women's opportunities to take up employment and to be able to keep their jobs. In 1999 the Office for Women's Issues in the Ministry of Social and Family Matters launched tranings to this end.

Girls' possibilities in physical education, sports (compulsory P.E. classes, school sports clubs etc.) in the educational system are assured the same way as for boys, girls have the same opportunities as boys to participate in sports and physical education.

Women and men may participate at an equal extent in education concerning family life and family planning but in practice more women take advantage of that. Through classes preparing for childbirth, more and more men are joining programmes preparing for family life. In more and more hospitals in Hungary women can choose to be placed after childbirth in a ward with their new-born babies.

Men's and women's preparation for family life has yet some deficiencies in practice, the legal and institutional background is, however, appropriate.

Article 11. *Employment*

I. The currently effective constitutional and legal framework

The prohibition of discrimination against women in the field of employment

In Hungarian law paragraph (1) of article 66 of the Constitution fixes the prohibition of discrimination between men and women stating that the Republic of Hungary guarantees equality of men and women with regard to all civil, political, economic, social and cultural rights. All forms of discrimination are forbidden including discrimination between men and women.

Article 5 of the Labour Code fixes the prohibition of discrimination as well, not only on the grounds of sex but on any other grounds too. Drawing up the only possible measure of equal treatment it qualifies as unlawful discrimination and prohibits discrimination "on the basis of any circumstances not related to employment". The prohibition shall be applied at the establishment of the employment relationship, during employment at the determination of rights and duties, at the enforcement of responsibility as well as at the termination of employment.

Employers shall provide the opportunity to employees for advancement to higher positions without discrimination – solely on the basis of the length of employment, professional skills, experience and performance. In respect of a specific group of employees under the same conditions the obligation of priority may be prescribed in employment-related regulations in connection with an employment relationship.

The act allows limitation arising from the nature of the work at the establishment of employment and at the determination of duties. Thus e.g. certain activities may be practiced only by adults or men due to labour safety provisions, employment-related regulation may include qualification requirements etc. These limitations can solely be connected with the nature of the work.

Rules of procedure and remedy in case of discrimination

In cases of discrimination the Hungarian law places the burden of proof on the employer. The employer has to prove that he did not commit discrimination against the employee. It is sufficient therefore if the employee claims that the employer applied discrimination against him/her and it is for the employer to deny the fact of discrimination or to prove that the differentiation applied by him/her was related to other well-grounded and non-discriminative reasons.

The reverse of the burden of proof is also found in act LXXV of 1996 on Employment Supervision by the 1999 amendment effective since 1 January 2000.

In accordance with the act the inspector holds an inquiry on the prohibition of discrimination upon notification. In the course of the proceedings the employer has to prove that his conduct did not violate the provisions on the prohibition of discrimination.

Paragraph 76 of the Civil Code qualifies as breach of inherent rights any kind of negative discrimination of private persons, especially on the grounds of sex, race, national origin or religion; violation of the freedom of conscience; any unlawful restriction of personal freedom".

For cases when any employer violates the prohibition of negative discrimination Hungarian law knows numerous sanctions.

In case of discrimination violating article 5 of the Labour Code one of the legal options for the injured employee is the request for compensation for non-pecuniary loss.

According to paragraph (1) of article 3 of act LXXV of 1996 on Employment Supervision labour control covers the observation of the prohibition of discrimination. The amount of the labour fine that may be imposed is from HUF 50,000 to HUF 3 million.

Government order 17/1968. (IV. 14.) on certain contraventions contains under the title of labour contraventions cases of women's discrimination at work.

By virtue of article 75 of the decree the employer who unlawfully rejects the employment or otherwise applies discrimination on the grounds of sex, age, nationality, race, origin, religion, political belief, affiliation to employees' interest protection organizations or activity in connection with them or of any circumstances not related to the employment relationship - commits the employee's negative discrimination and shall be punished with a fine of not more than HUF 50,000.

Article 76 of the decree imposes a fine of not more than HUF 50,000 on the employer who violates the provisions on the establishment and termination of employment as well as on wages. These include the regulations on the employment of women, minors and those with changed capacity for work.

The right to work, equal payment

By virtue of the Constitutional provision in the Republic of Hungary everyone has the right to work, to freely choose job and profession.

Paragraph (2) of article 70/B of the Constitution deals separately with the principle of equal payment for equal work when it declares that "everyone without any discrimination has the right to equal payment for equal work".

The Hungarian Constitutional Court dealt with the right to work, as well as with the right to freely choose job in several respects. This way decision No. 1178/B/1991. interpreted the freedom of the employment contract regarding the question of the employee's delegation to another place of work. The Constitutional Court analyzed in its decision No. 1166/B/1991 the limitation possibilities of the freedom to enter into contracts by regular members of the armed forces. On several occasions the Constitutional Court dealt with questions of constitutionality of unemployed benefits. Thus Constitutional Court decision No. 551/B/1990 contains relations between these provisions and equality before the law.

The right to work is connected with the right to strike which is guaranteed by paragraph (2) of article 70/C of the Constitution, on the basis of which act VII of 1989 on strike was created.

Right to the protection of health, safe working environment, women's special protection

By virtue of paragraph (3) of article 66 of the Constitution special rules also ensure protection of women and young people in the performance of their work.

The protection of pregnant women is ensured by the provisions of the Labour Code as well as of the People's Welfare Minister's order No. 33/1998 (VI. 24.) NM on medical examination and report of working, professional and personal hygienic abilities.

Paragraph (1) of article 75 of the Labour Code states as a general rule that "women and minors shall not be employed in work which may result in detrimental effects on their physical condition or development".

On the basis of the provisions of the Labour Code pregnant women enjoy further protection such as:

- women from the time of the establishment of their pregnancy until the time at which the child reaches one year of age may not be assigned for night shift work *(article 121).*
- women from the time of the establishment of their pregnancy until the child reaches one year of age may not be assigned to overtime (stand-by) work *(paragraph (2) of article 128).*
- women in the pregnancy period or giving birth shall be entitled to twenty-four weeks of maternity leave which shall be scheduled so as to commence four weeks prior to the expected time of birth if possible *(article 138).*
- during the first six months of nursing, women shall be entitled . one hour off work two

times a day and one hour daily thereafter up to the end of the ninth month (in respect of multiple births, the time off for nursing shall be commensurate with the number of children) *(paragraph (5) of article 138).*

Advantages of labour law given to parents with small children:

- The employee is entitled to *unpaid leave* for the purpose of taking care of the child until the child reaches the age of three, in case of a sick child until the age of ten, after the end of child care allowance until the child's age of twelve for the purpose of caring for the child at home for the duration of the illness.
- On the basis of the parent's decision the employee or the single parent shall be entitled to *extra vacation time* per year for children under 16 years of age.

Any of the parents – up to their choice – may make use of these advantages.

Minister of Welfare's order No. 33/1998 (VI. 24.) NM on medical examination and report of working, professional and personal hygienic abilities contains regulation which is in harmony with the Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

According to the order at the examination and report of working abilities it shall be taken into account that women (especially those in the age of conception, pregnant women –those at the early stage of pregnancy -, women given birth recently, nursing mothers and those giving mother's milk) are unable or are able only under certain conditions to work in working environment that is risky for health or dangerously overcharged as it is listed in the annex of the decree.

The employer is obliged to do risk estimation and determine the measures with which women's health and safety shall be guaranteed.

Unemployment benefits (act IV of 1991 on job assistance and unemployment benefits)

The act draws up the following as a basic principle: "With respect to job assistance and unemployment benefits, employees and unemployed shall not be subject to negative discrimination on the basis of sex, race, origin, religion, political views and affiliation with an employee interest safeguarding organization. This provision shall not preclude any potential eligibility for extra rights granted to disadvantaged persons in the labour market."

The act – among unemployment benefits – regulates the unemployment allowance for which those persons are eligible who over the four years prior to becoming unemployed spent at least 360 days in an employment relationship, are not eligible for pensions and are not receiving sick-pay, and cooperate with the employment center. The amount of the allowance is adjusted to the preceding wage. Its minimum amount is equal to 90 percent of the minimum old-age pension, its upper limit is twice of it. The duration of payment was maximum 360 days until the latest modification of the act. Those who exhaust this may again get allowance if they obtain at least 180 days of employment. Following the termination of the payment of the allowance income-substitute support of the unemployed could have been requested from the local government for at most 24 months. The funds for this benefit are the sums paid as contributions of employees and employers to the Labour Market Fund, a separate state fund. On 1 February 2000 the modification of provisions on unemployment allowance will come into effect according to which the duration of allowance pay was reduced simultaneously with the reduction of the minimum

period entitling for allowance from 360 to 200 days. The maximum duration of the allowance pay is 270 days.

In 1993 the Social act drew up the income-substitute support of the unemployed having existed before as a new type of money benefit. The unemployed are entitled to this support only following the unemployment allowance. In 1995 the act on economic stabilization (the "Bokros package") maximalized the duration of the benefit having been unlimited before in 24 months. Act CXXII of 1999 on modification of certain labour and social acts for employment policy reasons put an end to income-substitute support of the unemployed. For the unemployed having exhausted the unemployment allowance and being in need of social support local governments provide employment possibilities and those undertaking this may receive regular social allowance. A further condition is that the monthly income of the unemployed or the monthly income for one person in his/her family shall not exceed 80 percent of the current amount of the minimum old-age pension. The monthly amount of the regular social allowance is 70 percent of the current amount of the minimum old-age pension.

The employment situation

In recent decades a very high economic activity of women developed in Hungary. At that time it meant that most women were effectively working. This level of employment was qualified with the usual expression that it reached not just the social, but the demographic maximum possible. This was stopped by the dramatic developments in the labour market in the nineties, the main features of which were the following:

- the drastic fall of the number of employed
- the sudden increase of unemployment becoming more and more permanent
- furthermore the mass abandonment of the labour market.

Changes to the economic activity and employment of women, 1990 – 1999

Population groups (thousands)	1990 (January 1)	1994 (January 1)	1996 (January 1)	1996 (January 1)
1. Total female population	5 389.9	5 354.0	5 328.4	5 274.2
2. Working-aged population*	2 849.6	2 912.3	2 916.1	2 957.1
3. Population over working-age	1 500.2	1 507.9	1 515.3	1 465.9
4. Economically active female population	2 348.9	2 047.2	1 871.9	1871.8
5. Activity rate of working-aged female population (per cent)	73.1	66.2	61.3	61.9
6. Unemployment rate (percentage)	0.4	12.5	11.2	9.7

* Retirement age was raised from 54 to 55 years from 1 January 1997 and to 56 years from 1 January 1999.

For a long time the public had been paying attention only to the fact that the long and special historical period of full employment was followed suddenly by mass and permanent unemployment, although this is only one – and in a paradoxical way not even the most important – factor of the deterioration of the labour market situation. The consequences are more severe of the fact that two-thirds of those staying without a job because of closing down workplaces became inactive and later the number of the unemployed began to decrease not because the unemployed got jobs but because in similarly great number they left the labour market for good. For this reason among women in working-age the rate of those living from social-welfare benefits or other persons' income has almost doubled (between 1990 and 1999

went up from 27.2 percent to 44 percent). At the same time the employment of this age-group has run down from 72.8 percent to 54-56 percent over the past hardly one decade. The portion of employed within the total female population has gone down even more drastically from 43.4 percent to 31-32 percent since more than four-fifths of women working over the retirement age were forced to leave the labour market. At the beginning of 1999 only 2.8 percent of women over the working age had gainful employment.

Therefore in Hungary one can talk about high-level female employment only in the past tense. In 1998 the rate of women effectively employed within the female population considered internationally, as being in working age between 15 and 64 was lower than the figures of all developed economic regions. The employment differences are particularly great on the two edges of the working age: the employment of women under 25 and beyond 59 is substantially lower in Hungary than in the developed industrial societies. The decline of women's employment in itself would not be a problem, since to some extent the decline of activity among women was positively expected. It should be added that even if Hungarian women's employment outside home fell below the average level of developed market economies, the employment is still higher than in the countries in comparison looking at working hours, since there a considerable part of women has part-time jobs.

Employment and unemployment in Hungary and in the most developed regions of the world

Indicators (Percentage)	Hungary*, 1998			EU member States, 1998			USA, 1998			Japan, 1998		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
Share of employed to population aged 15-64	63.6	47.3	55.5	71.1	51.2	61.1	80.5	67.4	73.8	81.7	57.2	69.5
Unemployment rate	8.1	6.9	7.6	8.6	11.8	9.9	4.5	4.7	4.6	4.3	4.2	4.2
Unemployed being jobless for more than a year	50.2	49.2	49.8	48.7	51.5	50.1	8.8	7.1	8.0	25.3	12.4	20.3
Share of part-time (less than 30 hours per week) workers	1.9	5.0	3.4	5.9	31.8	17.4	8.2	19.1	13.4	12.9	39.0	23.6

* Hungarian data do not include parental leave takers but include those doing regular military service.

It is a favorable phenomenon that the level of unemployment in Hungary is lower than the average in the European Union. Women are under-represented among the unemployed: between 1992 and 1997 their rate was around 41-42 percent, in November 1998 44 percent. In reality female unemployment is higher than the size shown in statistics since a part of women does not make themselves registered in the offices. For women losing their jobs or girls finishing their education lacking working possibilities housework may serve as an area of retreat. Taking advantage of the childcare system means protection for women with small children. The effect of wage and salary differences is expressed more bluntly in the differences of unemployment benefits, in November 1998 women got 96.5 percent, permanently (over 180 days) unemployed women 95.7 percent of men's average monthly allowance.

The fall of women's employment is accompanied by a strong change of values. From the results of the *1986* survey of the Central Statistical Office the consequence could have been drawn that 81 percent of employed women agreed that women should have gainful jobs. 78 percent of them however considered to be ideal if women could work in part-time jobs, 10 percent if they could perform their gainful jobs at home. The repeat of this survey in 1995 showed a substantial decrease of the acceptance of women's employment. Then only two-thirds of the women interviewed in the households drawn in the workers' survey supported that women should take up employment. Hardly 20 percent of them were on the side of keeping full-time work, 60 percent thought that part-time jobs were desirable for women and the remaining 20 percent were of the view that they should do their gainful jobs at home.

Dwindling of the employment had positive consequences too:

- Since the decrease of employment affected most of all the low-educated (with 8 classes of elementary school or even without them), the number of women graduates, skilled workers and those with technical school qualification has increased. Thanks to this the composition of employed women by school qualification has improved.
- Between 1992 and 1999 the percentage of physical and intellectual workers within the totality of employed women turned (from 53:47 percent to 46.7:52.9 percent).
- Resulting from the mass liquidation of workplaces in the 1990s the sectoral structure of the employed including employed women has become more up-to-date and more similar to that in developed market economies.

Number and rate of employed women in the three main sectors*

Sector	1992	1999	1992	1999	1992	1999
	Yearly average (thousands)		Percentage (%)		Women (%)	
Agriculture	143.4	65.9	7.7	3.9	31.2	24.4
Industry	534.0	427.0	28.6	25.0	37.3	32.9
Services	1 187.1	1 215.5	63.7	71.1	54.2	54.1
Total	1 864.5	1 708.4	100.0	100.0	45.7	44.8

* Parental leave takers are not included.

Women are in a disadvantageous position in the labour market in Hungary too. Due to childbirth and childraising most of them interrupt their gainful employment – occasionally more times – which influences their career unfavorably. Their progress is more limited than that of the men, in Hungary too the "glass ceiling" exists: on the top of the employment hierarchy women's rate is insignificant. The labour market prefers skills, in this respect women's position is worse than that of the men. The classification of professions does not favor women either; the value judgment of the labour market prefers the particularities of male workers. The segregation of the labour market spoils the prestige of female professions and results in harmful contraselection. Women are weaker than men in realizing and protecting their interests, which manifests in wage differences to their disadvantage.

The analysis of the Ministry of Labour about wage rates in May 1997 undertook to introduce the differences of wages that may be received in the same (similar) jobs. The report states that the differences of wages by sex that may be obtained in jobs considered to be similar are smaller than it is fixed in the public opinion: in 1997 the difference to the detriment of women's wages in the competitive sector was 12.7percent, in the budgetary sector it was 8.5percent. The reason for the difference between the two sectors is that the wage progress system that is fairly determined in the public sphere leaves smaller scope to discrimination between sexes than the free wage

bargaining in the market sphere. The wage differences in these areas are determined by the differences of opportunities of getting into positions.

Women's and men's wages in similar occupations*

Sector	Comparable wage rate **	
	Men	Women
Competitive sector	104.9	92.2
Budgetary sector	72.0	63.5

* Data based on the gross wage earned in full-time job until May 1997
** Compared to the average wage of the whole enterprise sector (100 %)

II. The Government's objectives and its strategy to remedy the difficulties

In connection with our accession to the European Union in the framework of our duties concerning the approximation of laws the modification of the Labour Code will take place with a deadline of 1 July 2000. In the course of adoption of community directives relating to equal opportunities the Labour Code will determine indirect discrimination, the system of criteria for work of equal value and the definition of wage. Unfortunately to some extent discrimination may be encountered in the employment of certain groups of women (women in the age of capacity to give birth, mothers with small children, elderly women). Though both the Labour Code and the act on Employment Supervision shifts the burden of proof on the employer in case of breach of prohibition of discrimination, it is also necessary to define the prohibition of indirect discrimination. Due to the over-supply of labour the employees' defenselessness is growing, thus women do not dare to take advantage even of existing legal means in the fear of losing their jobs.

Hungary in the National Program assisting the adoption of the community acquis expends a considerable sum on the improvement of labour institutions which on one hand includes the assurance of the assertion of rights (control mechanism, administrative, remedy proceedings), on the other hand the professional preparation of courts and employment supervision organs. The repository of employment supervision, the National Chief Supervisory Board of Labour and Labour Safety shall be prepared that in the future it should follow the observation of the laws on equal opportunities in practice and not just to react on the complaints submitted to it. To realize equal opportunities in practice in addition to the adoption of relevant community law it is necessary to change social values and approach as well. Also practitioners (attorneys, judges) shall be prepared for handling matters concerning equal treatment. These programs were launched in 1999.

Compared to Western European countries flexible forms of employment have not yet become general over here. These forms may prevent that parents taking care of their children get out of work for a longer period and are possibly forced to give up their careers.

The Ministry of Social and Family Matters founded the Award of Family Friendly Workplaces for which small, medium and large companies may compete and which wishes to support efforts, steps towards family friendly employment. Such efforts can be if the employer maintains or supports children's institutions for the employees' children, applies to a wider scope flexible, divided working hours or part-time jobs, moreover if he ensures training helping the return to work of women employees being on child care benefit, child care allowance or nursing leave.

The test case on women's discrimination when hiring employees coming to a successful end in 1998 with the support of the Office for Equal Opportunities suggests the promise of the future movement. However in practice discrimination to women's detriment usually dominates without limits among applicants to vacant positions.

Community directives emphasize the need of appropriate information of employees and employers on the requirements of equal treatment. To this end the government takes an active part concerning the duty of information. The Office for Women's Issues launched a free phone service of legal assistance that may be called from 10 a.m. to 8 p.m. to redress and prevent discrimination at work. 10-20 inquirers a day contact the service. For this purpose the Office for Women's Issues issued an information brochure in 1999: "Action against the employer's injurious measures."

Part of the realization of equal opportunities in employment is the development of an efficient system of reintegration to the labour market – first of all by training and retraining – of employees having interrupted their work for shorter or longer periods.

The extensive application of flexible forms of employment and work at home is unavoidable both for women and men thus making possible the harmonization of gainful employment and family duties. In 1999 the Office for Women's Issues organized two workshop discussions with the participation of other ministries and social partners to become familiar with the experiences of the European Union. The Dutch Ministry of Social and Employment Affairs in conjunction with the Hungarian Ministry of Social and Family Affairs launched a common project in December 1999 to spread the idea of part-time employment in Hungary. They are examining the legal, social security and taxation environment, the role of labour organs. Co-operating organizations are the Employment Directions, the Ministry of Finance and the Ministry of Economy.

Article 12. *Health*

Rights of the child

Act LXIV of 1991 has to be mentioned which promulgated the Convention on the Rights of the Child concluded in New York, on 20 November 1989. Article 24 of the Convention specifies the following duty of the States Parties:

States Parties shall pursue full implementation of the above right and, in particular, shall take appropriate measures

> "(e) to ensure that all segments of society, in particular parents and children are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
>
> "(f) to develop preventive health care, guidance for parents and family planning education and services."

Therefore the preparation for breast-feeding is mentioned several times in these laws. In addition the network of health visitors and NGOs help with campaigns to make nutrition with mother's milk widespread. In the last few years the number of women feeding their babies with mother's milk has increased substantially.

In the Republic of Hungary there are neither legal, nor cultural obstacles to women's participation in health care including family planning. The husband's authorization is not necessary (neither under law, nor in practice) for a woman to participate in health care.

In this field the services of health visitors, a special Hungarian institution has to be stressed. The health visitors' care is the complexity of methods helping to develop and improve the ability and readiness of individuals, families, communities to preserve and restore health, prevent illnesses, especially in the field of family, woman, mother, baby and youth protection.

Contraception and abortion

Although family policy measures in the 1980s but especially the act on the Protection of Foetal Life of 1992 improved the situation however the number of abortions is still too high particularly compared to live births.

The modern interpretation of life style includes *family planning, contraception and birth control.* In the first half of the nineties nearly three-quarters of women between 19 and 41 living in marriage or de facto relationship applied contraception. In 1998 27 procured abortions fell to 1000 women between 15 and 49, while 71 to 100 live births. 37.7 percent of women between 19 and 41 took precautions with oral pills, 17 percent with intrauterine devices, 8 percent with condoms, 6 percent with coitus interruptus, 3 percent with temporary continence, 0.6 percent with the calendar method and 2 percent with other methods.

The most important rules of abortion are found in act LXXIX of 1992 on the Protection of Foetal Life and in People's Welfare Minister's order No. 32/1992 (XII. 23.) NM on its implementation.

Paragraph 5. Pregnancy may be interrupted only in case of danger under conditions laid down in this act.

Article (1) of paragraph 6 Pregnancy may be interrupted until its twelfth week if

a) it is justified by a reason seriously endangering the health of the pregnant woman;

b) by medical probability the foetus suffers from grave deficiency or other injury;

c) pregnancy is the result of a crime, or

d) the pregnant woman is in serious crisis.

The Health Insurance Fund covers the costs of abortion provided it was carried out of medical reasons concerning either the insured pregnant woman or the foetus (paragraph (1) of article 16 of act LXXIX of 1992). However in other cases a certain fee shall be paid. People's Welfare Minister's order No. 32/1992 (XII. 23.) NM on the implementation of act LXXIX of 1992 on the Protection of Foetal Life makes possible though that women living in poverty pay a reduced fee.

Subsidies of the health insurance aim at the improvement of pregnant women's situation: they wish to encourage women to have children and not to abort.

These days the renewal of debates is expected since the decision of the Constitutional Court dated 23 November 1998 annulled with effect from 30 June 2000 the paragraph containing the notion of "serious crisis" in the act on the Protection of Foetal Life. By virtue of the currently effective

act on the Protection of Foetal Life abortion has different reasons according to the advancement of the pregnancy. Thus until the twelfth week the pregnant woman's "serious crisis" serves as a legal ground for abortion. In accordance with the decision of the Constitutional Court – which still recognizes only limited legal entity of the foetus – taking women's right to self-determination, life and bodily safety into account serious crisis is a constitutionally acceptable reason. However its definition and conditions of application shall be made only on the level of an act and in the course of its determination obligations of the state to protect life originating from the right to life applying also for the foetus shall be met.

No straight connection of causality may be revealed from the legal practice of the different countries, the regulation of abortion being permissive or restrictive and the frequency of abortions. The differences between Eastern and Western Europe as for the application of procured abortion may be attributed to the different historical and cultural past and development of the two regions. In most former socialist countries from the sixties a very liberal permission system was operating which was however not accompanied by medical or sexual education or the supply of and access to modern contraceptives. In consequence in case of unwanted pregnancy women more and more often made use of abortion thus procured abortion became a generally applied and accepted mean of birth control.

Unavoidable duties:

- the significance of the development of an attitude and behavior recognizing and undertaking the value and respect of life;
- family planning, i.e. free and responsible planning of descendants at the planned time and number striving for the assurance of their optimum health;
- the so-called negative family planning, i.e. finding and applying efficient and individualized methods of contraception in the sexually active life period;
- the significance of medical education, with special regard to the generation growing up;
- the increase of the culture of contraception, the assurance of access to it, making its techniques acquired;
- stopping women's defenselessness;
- drawing men into the distribution of problems of contraception, abortion, pregnancy and family planning.

Over the past few years the number and rate of procured abortions has fortunately decreased in Hungary, the 27 abortions to a thousand women in the age of conception are still very high in comparison with Western Europe. A further unfavorable tendency is the emerging frequency of abortions among young women without children, since the abortion by operation holds more risks in case of young women and termination of the first pregnancy increases the risks (premature birth, secondary infertility) of having children later.

Dangers and consequences of abortion are not known enough and in most cases women suffer from that. Modern methods of contraception should be made better-known especially in the circle of adolescent girls; they are quite left alone in this respect. A considerable part of women is of the view that men back out of the inconveniences of the abortion procedure, its burden is borne by women.

It is extremely thought-provoking that nowadays when the requirement of informing patients (as one of the most important patient rights) is stressed on the most different fora, those in favor of "abortion" without restrictions would discriminate women in this regard by withholding information on the dangers of abortion.

According to certain opinions however for moving forward the contraception problems of those living in a socially disadvantaged situation should also be solved. Education in itself is not sufficient, it would be necessary to reduce the price of contraceptives or build in support in the price.

In schools – though not as part of the syllabus – there is sexual education. According to governmental plans education concerning healthy human relationships and sexual life including birth control will be built in the basic syllabus in the frame of health education.

Health care, screening examinations

Special health care for women, i.e. gynaecological care for outpatients and in-patients, obstetrical care, care of expectant women as well as health visitors' services are financed by the National Health Insurance Board. Though there is no separate budgetary frame for family and woman protection advice, that is after all free in practice.

Our health care system also takes into account women's special needs. The family and children protection network is destined for this. Especially for young women Teen-age Outpatient Departments, while for climacteric women Menopause Outpatient Departments were created.

More and more attention is being focused on the early screening, prevention and cure of osteoporosis. Cancer screening is done by gynaecologists.

Smoking

Smoking is probably the most significant risk factor in mortality: it causes lung cancer and has a big role in the development of coronary illnesses and chronic bronchitis. In Hungary in the first half of the nineties nearly 17 percent of total mortality may be linked to smoking; the portion is 25 percent for men, 9 percent for women. A decade ago 22 percent of women were smoking, the increase of the rate of smoking women – which is a general tendency in Europe – has been 5 percent since the middle of the eighties; in the same period the portion of men smokers has decreased. The frequency of smoking increases mostly in the circle of young women.

As for *HIV/AIDS* Hungary belongs to the less infected countries yet. 80 percent of the infected come from the circle of homosexuals and bisexuals. Intravenous infections have not been recorded yet. Women's rate is low, it is around 10 percent.

Individuals registered with AIDS by sex and year of registration

Year	Men	Women	Total
1986	1	0	1
1987	6	1	7
1988	9	0	9
1989	15	0	15
1990	17	2	19
1991	29	1	30
1992	31	2	33
1993	28	4	32
1994	22	1	23
1995	28	3	31
1996	41	5	46
1997	25	6	31
1998	31	2	21
1999	19	2	21
Total	303	31	334

Individuals registered with HIV by sex and year of verification

Year	Men	Women	Unknown	Total
1985	14	2	0	16
1986	65	4	0	69
1987	50	4	0	54
1988	24	5	0	29
1989	30	2	4	36
1990	39	0	1	40
1991	43	6	6	55
1992	43	2	16	61
1993	34	7	15	56
1994	37	4	24	65
1995	52	4	25	81
1996	38	11	13	62
1997	51	9	11	71
1998	59	15	0	74
1999 (3rd quarter)	29	9	0	38
Total	610	87	113	810

In Hungary HIV screening, treatment and control is free; the necessary background for in-patients is provided just like increased cervix carcinoma HPV screening. As a general rule screening is anonymous and non-compensatory. Social and Health Minister's order No. 5/1988 (V. 31.) SzeM enumerates in which cases and personal circles AIDS screening is compulsory.

Special consultation is provided in cases of undertaking pregnancy furthermore for prevention of pregnancy by pills. For pregnants screening is free and voluntary. There is no compulsory screening; it is not justified because of the low rate of infection.

The new-born babies of HbsAG positive mothers are subject to screening examinations. (People's Welfare Minister's order No. 18/1998 (VI.3.) NM on the Prevention of Infectious Diseases and Epidemics)

Annex 1 of the same order contains the following on the description of AIDS: "New-born babies of HIV positive pregnant women may be infected with a probability of 15-30 percent through the caul, on the occasion of the birth or while breast-feeding, but the risks are substantially reduced by the anti-virus medicine treatment of the infected pregnant women and of their new-born babies."

The National AIDS Commission has been in existence since 1994 the assignment of which is the coordination of the national AIDS policy and participation in the forming of the governmental strategy and priorities in order to suppress the spread of AIDS. In addition the Commission sponsors and organizes professional programs, projects. In its work not only governmental organs but also NGOs take part actively.

Article 13. Economic and social benefits

Constitutional and legal background, governmental initiatives in 1998-1999

The fundamental regulations stating the equality of women and men in social life are the following:

The Constitution

- Paragraph (1) of article 66 on providing equal rights considering the field of civil and political rights, as well as of economical, social and cultural rights.
- Paragraph (1) and (2) of article 70/E on citizens' right to social safety and - among others - to get provision necessary for their living in case of old age, sickness, disability, widowhood or orphanhood, and on the fact that the state ensures these rights by social insurance and by operating social institutions.

Provisions for supporting families (act LXXXIV of 1998 on supporting families)

The forms of the provisions for supporting families are regulated in our new statute, in the act LXXXIV of 1998, which came into force on 1 January, 1999. The act establishes the system of financial aid in connection with bringing up children on new basic principles. The objectives of provisions for supporting families are the promotion of the families' social safety and the reduction of the burdens of bringing up children. The provisions aim at providing equal social chances for families with children, recognizing the extra burdens attaching to the bringing up of children and improving the conditions of having children. These provisions are available for families having their children in their own household on equal conditions, irrespectively of their income and financial situation.

Provision for the upbringing of children and pecuniary aid for childcare can be ascertained for families with children.

- The provisions for the upbringing of children (family allowance, pecuniary aid for schooling)

The provision of support for the education of children and their amount is differentiated according to the type of the family, the children's number and their health condition.

- The forms of pecuniary aid for child care (child care allotments, pecuniary aid for the upbringing of children) provide income and also time of service for the period of childcare for the parents bringing up children. The amount of these forms of provisions is equal to the current minimal sum of the old-age pension.
- The maternity grant is a non-recurring form of support that provides financial aid to cover the expenses in connection with childbirth.

The provisions for the upbringing of children are available as a civic right, independently of the family's income. The family allowance is replaced by the pecuniary aid for schooling on equal conditions when the child becomes of school-age. The act endeavors to compensate the disadvantageous position of families with several children, parents bringing up handicapped or permanently sick child and parent bringing up his/her child himself/herself with raised sum of provision. The Parliament decides on the raising of the amount of provisions for the upbringing of children every year, when adopting the budget. Only one kind of provision for the upbringing of children is available after the same child for only one of the entitled persons, but either of the parents can claim for the provision. The family allowance was introduced by act XXV of 1990 as a civic right for families with children after their children who are under 16 or under 20 and regular students in a primary or a secondary school besides after the handicapped children. The system changed on 1 May, 1996, and the provision became a benefit for those who are in want of them. The monthly income pro person of the family could not exceed a certain threshold in the calendar year preceding the year under review for being entitled to the allowance. The allowance was available only for families with three or more children independently of their income. It was a great step forward that our act on Supporting Families, which provides the allowance on the basis of civic right again, entered into force on 1 January, 1999.

Persons entitled to family allowance can be classified into three groups:
- parent related by blood, adoptive parent, spouse living together with the parent (hereinafter called parent), foster-parent, professional foster-parent and guardian after the child (person) brought up or taken care of in his/her own household, child under school-age and permanently sick or seriously handicapped child (person),
- guardian vested with the right of managing the property and curator ad hoc administering the property after the child (person) brought up in children's home or reformatory school or child (person) taken care of in the framework of child-welfare in convict prison,
- principal of social institution after the child (person) is accommodated in the institution.

Family allowance is obtainable after the child (person) who is under school-age or permanently sick or seriously handicapped and regardless of the school-age after the child (person) who is brought up in children's home or reformatory school or taken care of in frames of child-welfare in convict prison.

Permanently sick or seriously handicapped is:
- the child under 18 who has to be minded or taken care of constantly or to a greater extent because of his/her sickness or deficiency determined in a special legal rule (order No. 17/1990 (V. 8.) SZFM),
- the person over 18 who lost at least 67 percent of his/her working capacity before completing his/her eighteenth birthday and this condition is ongoing for a year or is expected to be ongoing for at least a year more.

The entitlement for family allowance is terminated on 1 October of the year when the child becomes of school-age and pecuniary aid for schooling is available instead of the allowance, except in cases, if the child (person) is permanently sick or handicapped, is taken care of in frames of child-welfare and gets institutional provision.

Pecuniary aid for schooling is available:
- It is ascertained after the child who is of school-age or is already out of school-age but is a student in public educational institution (in primary or secondary school) and under 20.
- That child is of school-age who has been declared to be of school-age by the principal (from 6 until 16).

The child is entitled to pecuniary aid for schooling in his/her own right:
- if he/she is of legal age,
- if both of his/her parents are dead,
- if his/her unmarried or divorced parent or his/her parent living separately from his/her spouse who lived with him/her in common household is dead,
- if he/she is out of the temporary or permanent upbringing and student in a public educational institution but is under 20.

The forms of pecuniary aid for child care (child care allotments, child care benefit) are available for either of the parents, their amount is not dependent of the children's number and is equal to the current minimal sum of the old-age pension. The period of being supported is regarded as time of service, so a certain sum is kept back for the superannuation fund.

The child care allotments were available for the mother as well as the father bringing up his/her child alone, with regard to presidential time of insurance according to the order of Council of Ministers No. 10/1982 (IV. 16.) MT until the 15 April, 1996. From the time when the child completed his/her first year, even the father living in common household with the child could apply for the allotments instead of the mother, if the conditions of entitlement existed for both of them. The acts on Economic Stability made the allotments - together with the family allowance and pecuniary aid for child care - obtainable only for those who are in want of them, regardless of the presidential time of insurance. Only the act LXXXXIV of 1998 made it a benefit being independent of income. The amendment provides the equal treatment absolutely, as the allotments are available on even terms both for the mother and the father.

The child care allotments are due until the child completes his/her third year, or in case of the child being seriously handicapped or permanently sick until he/she completes his/her tenth year. The minister of social and family affairs may state the title in his equitable jurisdiction for the close relatives bringing up the child if the parents are being prevented in the upbringing of the child for a period exceeding three months, or the living of the family is not guaranteed for lack of gainful activity of the single parent. The minister may state or extend the title until the child completes his/her eighth year if, because of his/her sickness, he/she can not be taken care of in an institution providing provisions in the daytime or until the child completes his/her fourteenth year if he/she is permanently sick or seriously handicapped. (The parent can claim for the statement of nursing benefit when the child who is permanently sick or seriously handicapped completes his/her fourteenth year, if the child does not get provision in an educational, sanitary or social institution, except for the pedagogical training in four hours a day.) When the child is of eighteen months, it is allowed for the parent to engage himself/herself to work not exceeding four hours a day. There is no time-limit if the work is done at home.

Pecuniary aid for the upbringing of children is available for the parent who has three or more children under age in his/her own household, from the time when the smallest child completes his/her third year until he/she completes the eighth. The provision is obtainable regardless to income and there is no need of presidential time of insurance. The period of getting this provision is regarded as time of service. The support was introduced by act III of 1993 and it was available on the basis of certain time of insurance until 1996. The act XXII of 1996 made it a provision being available only for those who are in want of it according to the regulations of the acts on

Economic Stability. This provision was transferred from the social act to the system of supporting families in 1998. Earlier only the mother or the foster-mother could claim for it, the father and the foster-father only in cases determined in special legal regulation. According to the regulations being in effect now, it is left to the decision of the parents that of them claims for the provision.

Maternity grant is available after childbirth for the woman who attended the prenatal care at least four times or, in case of premature birth, at least once. The entitled woman has right to the maternity grant, even if the child was born dead. If the woman dies before getting the grant, it is paid to the father or the person who takes care of the child. The amount of the grant per child is equal to 150 percent of the minimal sum of old-aged pension. The non-recurring maternity grant was introduced in 1995, before that time from the 1st of January 1993 pregnancy allowance was paid from the fourth month of pregnancy until the last day of the month preceding the month when the entitlement to family allowance began.

Health-care provisions (act LXXXIII of 1997 on obligatory health-care provisions)

Maternity and confinement benefit is a provision based on time of insurance and is available for the woman who was insured at least for 180 days within the two years preceding the childbirth and bears the child during the time of insurance. The woman gets the benefit for a period equal to the maternity leave - that is 168 days - and its amount is 70 percent of the average daily earning.

The act XCVII of 1999 has introduced again the childcare benefit, which was abolished in 1995. It is available, by the termination of maternity and confinement benefit, until the child completes his/her second year, for the parent who is entitled for this provision in consequence of paying his/her own contribution and does not get any other kind of income and does not work. Its amount is 70 percent of the average daily earning, but not more than the double of the minimal wage. The provision is not available if the child is accommodated in kindergarten or infant's nursery.

The mother (father) is entitled to get *child-welfare sickness benefit*
- if nursing the child under one until the child completes his/her first year,
- in case of the child between one and three, for 84 calendar days a year,
- in case of the child between three and six, for 42 (in case of a single parent for 84) calendar days a year,
- in case of the child between six and twelve, for 14 (in case of a single parent for 28) calendar days a year.

Pension-insurance provisions (act LXXXI of 1997 on pensions in the framework of social security and act LXXXII of 1997 on private pension funds)

During the reform of pensions in 1998 a new system of pensions was introduced for those who begin their career or choose this new system, which is based on personal savings, covered by capital and where one-quarter of the superannuation contribution has to be paid. The three-quarter of the superannuation contribution still has to be paid for the pension in frames of social insurance, so the three-quarter of pension of social insurance will be available. In the system of pensions of social insurance old-aged, disability and relative's pensions are obtainable, while in the private pension system different annuities for life in case of old age can be chosen and in the savings-period the sum on the personal account may be inherited.

Main changes concerning women:
- During the reform of pensions the legislators paid attention to mitigate the disadvantages deriving from the position of women in the pension-insurance. The appreciation of years without paying contribution has been reduced, but women pay contribution after the provisions attaching to taking care of and nursing of children in whole extent, so these periods are regarded as periods of service. Personal contributions are deducted from the provisions, employers' contributions are paid by those who pay the provisions (local government, budget). In the pension's system of social insurance these provisions do not reduce the pension fund, but in the private pension's system the disadvantageous position of mothers with children is going to be felt because of the smaller deposits.
- It has been introduced in the pension-system of social-insurance that widowers/widows may get widow's provision even over their own pension, but its amount is only 20 percent opposing to provision of 50 percent for widowers/widows who do not get old-aged pension. The measure of orphan's provision has increased from 25 percent to 30 percent. Both measures concern mostly women and children and had as a result the improvement of their position.
- The positive discrimination for women is going to be terminated gradually by determining the retiring age and by 2009 the age-limit will be 62 uniformly.
- The positive discrimination according to which in certain scopes of activity only women were entitled to early retirement has also been terminated.

Children's day care (act XXXI of 1997 on protection of children and guardian administration)

Among the provisions providing personal care for children there are provisions in the daytime (infant's nursery, kindergartens, day-time home for families, taking care of children at houses), the organization of which is the obligation of the state and the local governments. This provision contains the care; nursing, education and feeding of those children whose parents can not take care of them in the daytime because of their job, sickness or any other reason.

The act provides pecuniary provision through the local governments for the application of parents taking care of children and other legal representatives that are available for those who are in want of them. These provisions are the following:
- permanent child-welfare support,
- extraordinary child-welfare support,
- advance payment of maintenance.

There is of no importance of being man or woman concerning the provisions, and the act states the prohibition of discrimination as a fundamental principle with regard to the rights provided by the act.

Social provisions (act III of 1993 on social administration and social provisions)

It was required to establish a comprehensive, transparent and modern system of social provisions and administration in consequence of our international and constitutional legal obligations, transition to market economy, social changes and new social demands. It contains mainly provisions for those who are in want of them.

I. Pecuniary provisions for those who are in want of them because of their social position:
- benefit for elderly persons,
- permanent social grant,
- support for flat maintenance,
- nursing benefit,

- temporary grant,
- funeral grant.

Social provisions provided in kind:
- funeral by state,
- medical provision provided by state,
- entitlement to health care.

II. Provisions providing personal care (basic and special provisions)

Article 14. *Rural women*

Actual situation

Women in rural areas may be insured on the same basis as women in towns. They may get the same provisions and also participate in the social security programs.

The economic, social differences and differences in employment derive first of all from the field of activity which the settlement gets in the network of settlements and in the administrative hierarchy and from its tasks in that area. In especially disadvantageous situation there are the regions with small villages, less than 500 inhabitants and their settlements, besides the settlements which are regarded as undeveloped in social-economic, economic restructuring, agrarian rural-developing and of labour market respects, so they can get subventions to a greater extent. Nowadays one-third of inhabitants living in rural areas, in about 3200 settlements live in areas for which are provided technical and human infrastructure in little extent or in economically less developed areas.

Women's quality of life is influenced fundamentally by the geographical localization of their settlement, the degree of supply of the settlement, its distance from the more developed center and so on. At first place those women have rather unfavorable odds to social integration, to get job, to get at institutes for children and at educational, health and social institutes who live in little settlements (settlements with less than 1000 inhabitants) and in very small villages. The objective of policy for country development is mainly to promote the well-proportioned regional development. Its legal basis was established by the act No XXI. 1996 on Country Development and Country Planning and the National Conception of Country Development which was elaborated under the act and accepted by the order of Parliament No. 3561998 (III. 20.) The institutions of country development, the boards of country development in the counties have been set up and are operating.

The economic situation of small settlements is influenced unfavorably by the deformed structure of different age-groups. The overweight of women is typical, the inhabitation has growing old and the younger population migrates into towns or well-developed settlements in favor of better living conditions. In the small settlements the opportunities of obtaining and completing income and the availability of articles necessary for everyday life are more restricted than in towns. The government endeavors to mitigate the regional differences gradually by the comprehensive development and renewal of infrastructure (road network, building of houses, educational, sanitary and social institutions) and with the help of regional remedial programs.

In Hungary women may dispose over their agricultural land property without restrictions, there is no discrimination with regard to land property. The act LV of 1994 on Agricultural Land

includes, among others, the regulation on subjects of acquiring ownership of land property and this act did not make any differentiation between the entitled persons on the basis of being men or women in 1991-1999, and it is not going to draw such distinction even in the future, either.

Men and women may access to agricultural credit and loans and marketing facilities on the basis of the same regulation. The legal orders on agriculture - on agricultural production and agricultural subvention - do not draw distinction between men and women either.

In the small settlements there are no secondary schools, the local government operates secondary schools in settlements with greater number of inhabitants and in towns. Children living in villages (small settlements) have to travel every day or apply for accommodation in dormitories, which lays great burden both on the children and their families

Since the formation of family farms, it is typical that women perform significant part of financial, accounting and administrative tasks, which emerge with view to the operation of the farm, in addition to their activities in the household.

The backwardness in earning of women living in small settlements has increased again after the improvement in 1996. The tendency is similar to that in the case of women living in towns but the negative change is smaller in this latter case.

Rates of women's and men's wages by type of settlement, 1992-1998 (percentage)

	1992	1994	1996	1998
Village	78.3	77.1	82.1	76.7
Town	63.9	77.3	82.0	81.4
County seat	70.3	67.6	92.2	72.3
Budapest	75.9	77.4	74.5	75.0

The majority of people with low earning lived in villages in 1998 and were at the bottom of the occupational hierarchy.

The negative effects of the labour-power's outflow affected first of all the villages, where also the labour opportunities of women were terminated in large quantities. Between 1989-1997 the number of women employed in agriculture decreased at more than 70 percent, which is much more than the proportion in other sectors.

The rural markets are in the property of local governments without exception, but they are operated by both the individual and the corporate enterprises. Generally they are not always open, but only on a certain day or certain days in the week. The rent of market-booths is extraordinarily reasonable. Two-thirds of small-scale producers selling on the market are women.

Part IV

Article 15. Law

(1) The Republic of Hungary ensures the equality of rights of men and women provided in statutes to the greatest extent. Its legal background is included in the Constitution of the Republic of Hungary and the Civil Code.

(2) The above-mentioned article 66 of the Constitution states in general the equal rights of men and women in the field of every civil, political, as well as economical, social and cultural right. Perhaps the most important regulation of the Constitution with a view to the legal relations of civil law is the following: "In the Republic of Hungary every person has legal capacity." This is repeated in article 8 of Civil Code, which states the substantial contents of this right. Having legal capacity means that the subject-at-law may have rights and obligations. The legal capacity is universal, equal and absolute. It is universal, because each person is entitled to legal capacity, equal, because it is impossible that certain persons have legal capacity to different extent. Paragraph (2) of the mentioned article in accordance with the international conventions and the Constitution settles the prohibition of discrimination by stating that legal capacity is equal regardless to age, sex, race, belonging to nationality or denomination. The legislator emphasizes the important factors by specifying age, sex, race and belonging to nationality or denomination, which can be grounds for discrimination and consequently for the restriction of legal capacity. (The equality of legal capacity has to be effective also in other, not specified respects besides the above mentioned cases. Consequently, as the act prohibits making distinction between men and women, the subject of legal relation of civil law may be either a man or a woman. Earlier this was not effective in every respect. For instance, the subjects of a common-law marriage could be only a man and a woman before 1996. In accordance with the decision of the Constitutional Court "The permanent cohabitation of two persons may carry such values into effect, which may assert a claim for recognition irrespective of sex on the ground of taking the human dignity of concerned persons into consideration equally." Following the decision of the Constitutional Court the act XLII of 1996 amended the Civil Code and in consequence of the amendment dissimilitude is not a condition of a common-law marriage any more.)

(3) The disposing capacity of women in complete conformity with that of the men is regulated in the Civil Code. The Civil Code states that each person has disposing capacity whose disposing capacity is not restricted or excluded by the statute. The person who has disposing capacity may enter a contract or make a legal statement by himself/herself. This right is protected by civil law so strongly that according to its regulation the contract or unilateral statement restricting someone's disposing capacity is void.

(4) Article 58 of the Constitution ensures the right of women to free movement and the election of domicile freely by stating that "each person who resides in the territory of the Republic of Hungary lawfully - with the exception of cases determined in the act - is entitled to the right to the free movement and the election of domicile freely, included the right to leave the domicile or the country".

Article 16. Marriage and family life

Family, conclusion of marriage

Family relations are regulated first of all in the Constitution of the Republic of Hungary, in the Civil Code and mainly in act IV of 1952 on Marriage, Family and Guardianship (hereinafter abbreviated Csjt).

The Csjt. was amended several times during the above mentioned period, but these amendments are not relevant with a view to discrimination against women, as the Csjt. did not contain discriminative regulations either earlier.

According to the Universal Declaration of Human Rights, the International Convention of Civil and Political Rights and the Convention about the protection of human rights and basic civil rights signed on 4 November, 1950 in Rome, family is the natural and basic unit of society and has right for the society's protection. These conventions state that the freedom of entering into marriage is a fundamental human right. Men and women of full age have the right to enter into marriage and found a family upon their free decision in frames of the domestic regulations on the exercise of these rights. The institution of marriage is the common life of a man and a woman upon their free decision also under the Hungarian law in accordance with the international conventions. The objectives of this married life are typically the birth of children and their upbringing in the family; besides, it provides mutual care and support for the spouses. The institutions of marriage and family enjoy special protection also in the Constitution (article 15).

Engagement is not settled in the effective Hungarian legal regulations, so it has significance only under the unwritten law with special meaning in each region. The absence of legal regulation does not mean the absence of the engagement's legal consequences. For instance, the fiancé/ fiancée is regarded as close relative under the article 685b of the Civil Code, which can have also other consequences.

The Csjt. regards the full age as legal majority of marriage. The person completing his/her eighteenth year becomes of full age and has disposing capacity. The person under this age is regarded as minor and depending on his/her age suffers from the complete lack of disposing capacity or has disposing capacity. The minor over 14 has partial disposing capacity provided that he/she does not suffer from the complete lack of it. This latter has to be ascertained in a judicial decision. So only men and women of full age may get married. Persons having partial disposing capacity in consequence of their age - between 14 and 18 - may get married only over 16 and only with the permission of the public guardianship authority. Therefore minors under 16 can not get married even with the permission of the public guardianship authority.

The Csjt. renders bigamy impossible under the basis of monogamy's principle, which is dominant in our whole legal system. Therefore the marriage is invalid if one of the spouses getting married is obliged in another marriage in force according to the effective legal ruling (article 7 of Csjt.).

The spouses have the same rights and responsibilities during marriage and at its dissolution in all respects in accordance with our international commitments and paragraph (1) of article 66 of the Constitution. The principle of equal rights and the co-ordinated relation of the spouses is stated in the act regulating the spouses' rights and responsibilities (article 23 of Csjt.). This regulation emphasizes the necessity of making the decisions on matters of married life together and the autonomy of spouses in their own matters with the restriction that by deciding on such matters they have to take into consideration the interests of the family, instead of their own interests.

Nevertheless, our law does not regulate the common-law marriages in such details as marriage. Only the Civil Code settles the financial relations of common-law partners in article 578/A and gives the definition of common-law marriage in article 685/A.

As both the Constitution and the Csjt. are based strictly on the equality of men and women, parents have the same rights to make decisions concerning their children, even if they do not live together. They have the same rights concerning also guardianship, curatorship and adoption.

The amendment of the Penal Code by the act LXXIII of 1997 was specially significant with a view to the equal rights of men and women and the prevention of violent acts against women within married life. In the period previous to this amendment the passive subject of rape could be only a woman, while the active subject only a man. The act could be committed solely out of married life. Under the effective regulation both the passive and the active subject of the crime can be both a man and a woman, and it can be committed also between spouses of a marriage. However, in this latter case it has to be examined carefully - with regard to the special relation of the perpetrator and the injured party - if the conditions of the crime's commitment existed or not.

Marriage is terminated if one of the spouses dies or the court dissolves it. The court may dissolve the marriage at the request of either of the spouses if their married life gets completely and irremediably spoilt. During the procedure of dissolution the custody of the child, the payment of child maintenance, the contact between the parent and the child, the payment of alimony, the usage of the joint home and the distribution of the joint properties of the spouses have to be settled. Subsequently to the dissolution of marriage, first of all the parents decide on the custody of the child. For lack of agreement the court decides in favor of the parent with whom the more favorable physical, intellectual and moral development of the child is provided. This parent can be both the mother and the father.

The conclusion and the dissolution of marriage are registered in the register of marriages. The registrar registers the act of getting married into the register if the marriage is valid. However, the court has competence to dissolve the marriage. If the judgement regarding the dissolution of marriage is declared final, the court sends a record about the divorce to the registrar who has competence according to the place of the conclusion of the marriage and makes the registration into the register of marriages.

The parent is obliged to share the available means of the common household with his/her minor child. The parent looking after the child provides support in kind, while the parent living separately provides support in money. For the lack of the parents' agreement, the court decides on the maintenance of the child. In case of default of paying the child care allowance, it can be enforced in the frames of judicial execution and if the obliged party breaches his/her obligation deliberately, his/her criminal liability can be stated because of committing the crime of default of paying the allowance according to article 196 of the Penal Code.

The Csjt. protects the institution of marriage both in its mentality and in its statutory provisions. This protection appears in the rule according to which the mutual responsibility of spouses is not terminated by the dissolution in every respect, but it is extended to a certain degree even for the period after the dissolution. Thus our law regulates the divorced spouse's responsibility of taking care of his/her ex-spouse's living. In case of the dissolution of marriage, the spouse may claim the payment of alimony from his/her ex-spouse, if he/she is in want of it through no fault of his/hers, except in case, if his/her attitude during the marriage makes him/her unworthy of alimony. This obligation may be incumbent upon either of the spouses independent of being men or women.

All the properties which the spouses obtained either together or separately during their married life becomes their joint marriage properties during the marriage, except for the properties which belong to the separate properties of one of the spouses. According to the Csjt. the separate properties of the spouses are properties which the spouse had possessed before getting married, which the spouse obtained by right of succession or were given as presents during married life, properties to the usual extent and of the usual quantity serving personal purposes and which the spouse obtained from the value of separate properties. The spouses getting married may make a contract - before the conclusion of marriage - regarding their property relations for the period of married life. During their married life both spouses have right - according to their equality - to use and handle the objects belonging to the joint properties. The costs of maintenance of these objects should be covered first of all from the joint properties. These objects can be sold only with the joint agreement of the spouses, but during the possession of joint properties the transaction of either of the spouses for a value has to be regarded as a transaction which was performed with the agreement of the other spouse, except in case, if the third person knew that the other spouse did not agree to the transaction. At the termination of married life the joint properties are separated. Either of the spouses may claim the distribution of the joint properties even if the marriage is not terminated yet. The parties may agree on the separation of joint properties or the court decides on it. Within the framework of the legal procedure the spouses may claim the reimbursement of the costs of investments from the joint properties into the separate properties or from the separate properties into the joint properties. The reimbursement of separate properties used or spent during the married life of the spouses may take place only in well-justified cases. Within these frames it is not possible on the basis of increasing the joint property's value to reimburse neither the woman' work which was done at home, nor her unpaid agricultural work.

If the marriage is terminated in consequence of death of one of the spouses and he/she died intestate, the settlement of his/her property - either in case of death of the wife or of the husband - is governed by regulations on intestate succession. So if the deceased person has children, they are going to inherit in equal shares each without any discrimination of being man or woman. In this case the widower/widow is entitled to right of enjoyment. If the deceased person has no descendants, all properties of the deceased spouse - either movable or immovable things - are inherited by the spouse.

Having children and birth-control

In Hungary women have the right to decide freely and responsibly on the number and timing of their children. Information and services related to family planning are available of course for each woman without anyone's permission.

a.) Situation related to abortion in Hungary

The number of abortions was extraordinarily high until the seventies. This can be explained, among others, with the fact that in Hungary the abortion was legal and available earlier than the modern contraceptives. The homage of life and the importance of preventing undesired pregnancy did not get emphasis enough, either in the health education in schools or in the mass media for decades. The measures of family policy in the eighties and especially the act on Protection of Foetal Life in 1992 improved this situation, but the number of abortions, especially compared with the number of live births, is still too high.

Abortions by the age of women

Year	-14	15-19	20-24	25-29	30-34	35-39	40-X	Unknown	Total
1957	41	5 405	27 121	35 905	30 381	19 237	5 293	-	**123 383**
1960	95	8 275	35 937	46 154	39 134	25 137	7 428	-	**162 160**
1970	164	18 116	47 431	51 990	39 690	25 789	9 103	-	**192 283**
1980	126	8 056	14 846	19 607	17 114	13 458	7 675	-	**80 882**
1990	382	11 629	17 245	16 367	18 714	17 586	8 471	-	**90 394**
1993	303	13 059	16 650	14 003	12 927	12 934	5 382	-	**75 258**
1994	280	13 174	17 134	14 652	12 356	11604	5 291	-	**74 491**
1995	275	12 759	18 362	15 981	12 607	11 137	5 491	345	**76 957**
1996	256	11 405	18 800	16 692	12 951	10 623	5 554	319	**76 600**
1997	226	10 571	19 090	16 524	12 641	9 983	5 280	249	**74 564**
1998	217	9 362	17 969	15 484	12 275	8 714	4 747	203	**68 971**

(b) The number of abortions

Abortion according to the women's age-groups

It can be seen from the data that the frightening data of the fifties have improved to some, but not to the expected extent.

The views on abortion are far from being homogenous in the society and it is always discussed between the abortion's opponents and the others who stand up for the women's right to free self-determination. The absence of social consensus can be seen from certain decisions of the Constitutional Court on this subject: orders No. 64/1991 (XII. 17.)AB and No. 48/1998 (XI. 28.)AB.

The main regulations of abortion are contained in the act LXXIX of 1992 on Protection of Foetal Life and the order of People's Welfare Minister No. 32/1992 (XII. 23.)NM on the implementation of the act:

Article 5. Pregnancy may be interrupted only in case of endangerment on conditions laid down in this act.

Paragraph (1) of article 6. Pregnancy may be interrupted until its twelfth week, if
(a) it is justified by a reason seriously endangering the health of the pregnant woman;
(b) by medical probability foetus suffers from serious deficiency or other injury;
(c) the pregnancy is a result of a crime;
(d) the pregnant woman is in serious crisis.
Paragraph (2) Pregnancy may be interrupted until its eighteenth week on conditions settled in Paragraph (1) of article 6, if the pregnant woman
(a) has partial disposing capacity or suffers from the complete lack of disposing capacity;
(b) does not recognize her pregnancy earlier because of for sanitary reasons not imputable to her or for medical mistake or her pregnancy exceeded the period mentioned in paragraph (1) of article 6 because of the failure of sanitary establishment or authority.
Paragraph (3) Pregnancy may be interrupted until its twentieth week - in case of the protraction of diagnostic procedure until its twenty-fourth week -, if the likeliness of the foetus's genetic or tetralogic hurt reaches 50 percent.

Paragraph (4) Pregnancy may be interrupted regardless to its period
(a) because of a reason endangering the pregnant woman's life, or
(b) if the foetus suffers from a deformity that would be incompatible with life after birth.

Paragraph (1) of article 7/ Interruption of pregnancy may be carried out on the basis of written application of the pregnant woman if the abortion is not justified by sanitary reasons.
Paragraph (2) In addition to persons mentioned in paragraph (1) of article 3 the resident alien also can apply for the interruption of pregnancy.
Paragraph (1) of article 8/ The pregnant woman has to present her application for the interruption of pregnancy personally to the staff member of the Service for Family Protection (hereinafter called staff member) and has to submit the certificate of the obstetrician who ascertained the pregnancy.
Paragraph (2) For the validity of the declaration of the pregnant woman having partial disposing capacity, it is necessary to present the declaration of her legal representative about the acknowledgement of the application for interruption of pregnancy.
Paragraph (3) If the woman suffers from the complete lack of disposing capacity her application has to be submitted on her behalf by her legal representative.

(c) Regulations about covering the fee of abortion

The costs of the interruption of pregnancy are covered by the Health Insurance Fund, if it is justified by sanitary reasons on the side of either the pregnant woman or the foetus (paragraph (1) of article 16 of act LXXIX of 1992.). In other cases a fee of a fixed amount has to be paid.

Nevertheless, the order of People's Welfare Minister No. 32/1992 (XII. 23.)NM on the implementation of act LXXIX of 1992 on Protection of Foetal Life renders it possible that the woman living in poverty may pay a fee of reduced amount.

Article 11. The fee of interruption of pregnancy is HUF 10,000.
Paragraph (2) of article 12. The fee paid under paragraph (1) are collected on the account of the Health Insurance Fund.
Paragraph (1) of article 13. 40 percent of fee for interruption of the pregnancy has to be paid if the income per capita of persons living together with the applicant permanently (hereinafter called the family) does not reach 150 percent of the current minimum wage.
Paragraph (2) 15 percent of the fee for interruption of the pregnancy has to be paid if the income per capita in the applicant's family does not reach 50 percent of the current minimum wage.
Paragraph (3) The minor living in children's and youth's welfare home or social welfare institution or who is accommodated in institution or is brought up by the state and women who get regular social allowance do not have to pay any fee.

It has to be noted however, that the act is under supervision now. The regulation on interruption of the pregnancy with regard to social emergency has to be rendered stricter according to the decision No. 48/1998 (XI. 23.) of the Constitutional Court, so in 2000 slight amendments of the act are expected.

(d) Measures for the prevention and reduction of abortions

The pecuniary provisions of the health insurance aim at the improvement of pregnant women's position, their objective is to induce women to have child and maintain their foetus. The following pecuniary provisions exist:

(1) maternity and confinement benefit, which the woman gets for a period equal to the maternity leave and its amount is 70 percent of the average daily earning;
(2) sick benefit, which the woman gets for the period of being disable to work. The woman who can not work because of her pregnancy or childbirth and it is not entitled to maternity and confinement benefit is regarded also as disable to work (articles 40-43 of the act LXXXIII of 1997).

For moving forward, the contraceptive problems of women living in disadvantageous social circumstances should also be solved. Young persons should be educated for the homage of life and for responsibility, and the price of the contraceptive means should be reduced or the subsidy should be built in the price. Schools give information on sexual life but it is not part of the syllabus. According to governmental plans the education for healthy human relations, sexual life and family planning would be part of the fundamental plan of tuition in the frames of health education.

Within the framework of education in schools, the change of the wide-spread, harmful view according to which abortion is a method for family planning, has to be stressed. The liberalization of abortion happened earlier in Hungary than the spread of modern contraceptive means by the general-opinion and the hygienic informative work. Information about proper contraceptive means - including their risks and harmful by-effects - is important for each age-group, but especially for youth. Information, instruction and education are all necessary for choosing the proper way of contraception fitting the couples.

The liberalization of abortion renders the disadvantageous position of women worse as they take the consequences of pregnancy resulted from the lack of information solely.

The obligation of information of both men and women is incomplete. The information about postabortive syndrome would also be very necessary.

Legal regulation on public tasks related to the information on sexual life - besides the above-mentioned - is the following one:

Act LXXIX of 1992 on Protection of Foetal Life:

Paragraph (2) of article 2 The Service for Family Protection operating within the framework of the local institution (institution of district in Budapest) of the Public Service of National Health and Health Officer organizes the spreading of information related to family-planning out of the educational institutions.

Paragraph (3) State promotes the protection of foetal life, the issue of publications on contraceptive means and their presentation in mass media.

Situation of working women and staying at home with newborn children

The Hungarian women took the lead in the field of going to work in the fifties, so the greatest number of women following the Soviet Union worked in Hungary. The Hungarian system of child care allotments and child care benefit, the system of child care, which was regarded by some people as the "excess of the premature welfare state", was a unique and exemplary attempt, which we can be very proud of. It was an especially significant measure of the current government that the child care allotments and the family allowance are available as a civic right.

Giving birth to a child is special challenge for women. Conditions of the twofold role have to be established: so that women should become mothers, but at the same time they should utilize their excellent capacities in the society (for instance, they are less sensitive - also because of their biological facilities - to hierarchy, so they can have favored role in forming a democratic society).

The system of child-welfare and of children's protection providing help to mothers with children who are in crisis:
- The service of supporting families and child-welfare provides information, advice and gives assistance in administering official matters and in family care. According to the act on children's protection a specially indicated task of the service for child-welfare is to provide assistance, help and advice for pregnant mothers in social crisis.
- By pecuniary provisions: permanent or extraordinary child-welfare supporting and advance payment of maintenance.
- Hostels of families for a transitional period (there are 55 hostels in Hungary) providing lodging and board for mothers and their children.

Adoption

According to legal regulations it is the task of the local service for child-welfare preparing adoption to choose the most convenient adoptive parent for children who can be adopted and are included in the register.

It is discriminatory if the woman is forced to offer her child for adoption or to apply for institutional provision in consequence of her immaturity, financial position or family reasons. Nowadays thousands of women suffer from the fact that they are not able to bring up their children themselves. Several categories of women can be distinguished in this respect. The number of women who are homeless or live in extraordinarily non suitable social circumstances and do not get in a hostel for mothers - there are only some of such hostels - or do not get lodging possibility is growing continuously. There is much to yet do in connection with the accommodation for mothers in resident nurseries but according to official data there was place for 97 mothers in the resident nurseries in 1998 and altogether 166 mothers applied for it.

Family status

Population in Hungary according to family status in 1949-1999 (on 1 January of the year, expressed in percentage), in percentage of men of 15 and over.

Year	Single	Married	Widowed	Divorced
1949	30.6	64.6	3.9	0.9
1980	22.0	70.8	3.5	3.7
1990	25.1	64.6	3.9	6.4
1995	29.1	60.0	3.9	7.0
1996	29.7	59.2	3.9	7.2
1997	30.4	58.4	3.9	7.4
1998	31.0	57.5	3.9	7.6
1999	31.5	56.7	3.9	7.9

Percentage of women of 15 and over.

Year	Single	Married	Widowed	Divorced
1949	22.7	59.1	16.6	1.6
1980	13.8	64.3	16.3	5.6
1990	15.9	58.1	17.8	8.2
1995	19.2	53.7	18.1	9.0
1996	19.7	52.9	18.1	9.3
1997	20.3	52.1	18.1	9.5
1998	20.7	51.3	18.2	9.8
1999	21.2	50.5	18.2	10.1

The data of the table illuminate the change of importance of different family status over the last 50 years. Within the population over 15 the proportion of single men and women was relatively high in 1949 (30.6 percent for men and 22.7 percent for women), these figures decreased gradually until the mid-eighties when they have begun to increase again. Nowadays the proportion of single men is higher than in 1949 (31.5 percent), while the proportion of single women approaches the number in 1949 (21.2 percent). The proportion of widowers was between 3.2 and 3.9 percent. The proportion of widows reached an extremely high value (16.6 percent) in consequence of the war and has begun to increase from the mid-seventies, simultaneously with the decay of the men's death rate. So from the mid-nineties approximately every sixth woman of 15 and over 15 is a widow. The proportion of divorced persons presents a spectacular increase during the examined period. While in 1949 less than 1 percent of men and a bit more than 1 percent of women were divorced, these proportions reached 7.9 percent for men and 10.1 percent for women by the end of the nineties. The increase of proportion of widowers, widows and divorced persons is in connection with the fact that the number of re-marriages decreases.

The data at the end of the nineties about the growing proportion of single and divorced men and women show that the population's relation to marriage has changed. The proportion of married men and women was outstandingly high in the period of twenty years between 1960 and 1980. The proportion of 70 percent for men and of 64 percent for women show that in these decades marriage was the family status for young adults recognized as normal by the public opinion, or both different economic advantages and forces directed people in the direction of marriage. However, in the nineties it can be seen that marriage loses its popularity gradually.

Getting married

We begin the presentation of the change of marrying customs and of the reasons explaining this change with the analysis of this table.

The main indexes of marriages in 1948-1998

years/average of years; number of marriages; number of marriages on 1000 inhabitants; number of marriages on 1000 unmarried men of 15 and over; number of marriages on 1000 unmarried women of 15 and over.

1948-49	102 765	11.2	88.8	66.6
1970-79	97 097	9.2	80.4	61.4
1990	66 405	6.4	47.4	35.9
1996	48 930	4.8	30.1	23.3
1997	46 905	4.6	27.8	21.6
1998	45 500	4.5	27.0	20.9

By today the number of marriages has reduced to 45,500, it is a reduction of more than 50 percent in comparison with the more than 100,000 marriages per year in 1948/1949 on average. The decrease has already begun in the eighties - in comparison with the relatively high number of marriages in the seventies - but really spectacular decay can be seen only in recent years. For instance, in 1998 the marriages contracted were by 11,500 less than in 1992. The decrease can be seen not only from the absolute numbers of marriages, as while in 1948-1949 11.2 marriages fell on 1000 inhabitants, this proportion was only 4.5 in 1998. In 1998 27 marriages fell on 1000 unmarried men of 15 and over 15 (in opposite to the 80 marriages in the seventies) and 20.9 marriages fell on 1000 unmarried women of 15 and over 15 (in comparison to the 61.4 marriages in the seventies).

This trend of getting married and its low proportion in the mid-nineties can be explained with the conjugate effects of several factors. First of all the timing of getting married has to be emphasized. In the seventies 14-15 percent of women married under 18, 40 percent of them under 20 and 80 percent of them under 25. The age of timing of the first marriage has begun to increase gradually from the eighties, so by nowadays 4-5 percent of women marries under 18 and only 18-20 percent of them under 20.

The postponement of marrying age and the loss of popularity of getting married as such are in connection with the increase of women's educational level including especially their mass inflow into schools providing intermediate and higher education. The position of the young woman does not fit to the traditional position of the married woman during the years of education, so most of them marry only after obtaining her highest (regular) educational level. Public opinion also recognizes it as normal, if someone goes over to the married phase of his/her course of life only after leaving school. On the other hand, education improves women's chances in the labour market, widens their choosing opportunities and even renders it possible that they should not accept the traditional form of marriage.

Another reason for the low marrying trend in the nineties is the change of the position of re-marriages. The number of re-marrying men and women was 23,506 in 1980, 18,478 in 1990 and 13,000 in 1999. While in the fifties 270 marriages fell on 1000 divorced men, this proportion was only 35 by the mid-nineties. 115 marriages fell on 1000 divorced women in the fifties and it decreased to 23. This means on the one hand that the re-marrying chances of divorced men and of women have come closer to each other significantly. While until the sixties the re-marrying chance of divorced men was double of the women's chance, by the mid-nineties the chances of men and women have become equal. The data indicate on the other hand that divorced men and women show less inclination to re-marry in comparison with their willingness some decades ago.

The regression of marriage as a preferable relation of partners can be brought into connection, of course, also with economic factors. For the lack of empirical data, it can only be presumed that there are some women and men among the winners of the change of regime, who can "afford" to remain single or to live with someone without marriage. They can maintain a flat and standard of living considered as normal, so they are not in need of the financial safety which marriage can provide. The increasing education of women plays also an important role as more and more of them get into this level of society. This level is undoubtedly the "product" of the last decade and resembles very much the central layers of western countries earning the good living and choosing similar family status very much.

Another economic reason of postponing marriage or not marrying at all originates at the another part of society, by the layers growing poor. Unemployment afflicts people beginning their career in higher proportion than average, so the founding of family for these young persons without a separate income is postponed to the uncertain future.

These facts show that marriage as a preferable form of relation of partners has lost its exclusive significance for young persons. The drawbacks of marriage have come to the front and have been emphasized. The drawbacks of the commitment by marriage outweigh its advantages both for the younger generation, who have not lived in marriage yet and for the divorced. The signs of this attitude are shown in the results of an empirical research according to the data of which the opinion of the younger, more educated and urban population is more skeptical and critical on marriage in comparison with the average attitude and the one in the eighties.

Cohabitation without marriage

The decrease of the popularity of marriage is in connection also with the fact that the judgement and acceptance of common-law marriages have changed a lot in the society. The number and proportion of common-law marriages within the category of permanent relations is still low in Hungary - in comparison with the Nordic Countries - in Hungary nowadays but is was especially so in the last decades. This form of relation linked to the lower layers of society for a long time on the one hand and was accepted by the public opinion in case of certain layers of society (widowers, widows and divorced persons) on the other hand. The growing of the number of common-law marriages was hindered by economic factors (first of all the chance of getting a flat), legal factors and last but not least by the value judgement of society, which respected the marriages and did not consider common-law marriages as proper solution. The passing of time since the change of regime has diminished the effect of these factors, so common-law marriage has become a gradually accepted relation of partners also in case of young persons who are not married yet. According to the data of Mikrocenzus the number of persons living in common-law marriages has increased from 125,000 (1990) to 180,000 (1996) which comes to 7 percent of families living in quasi marriages. The rate of cohabitants without marriage is extremely high in the younger age-groups. In 1994 every third woman between 15 and 19 living in relation of partners lived in common-law marriage (this proportion in the same age-group of women was 3 percent in 1980). 15 percent of women between 20 and 24 living in relation of partners live in common-law marriage in the mid-nineties.

The men and women who do not live in marriage or common-law marriage and singles by their family status constitute a quite mixed group. This family status may cover different social positions depending on whether this position is a result of becoming widow, of divorce or of the postponement of marriage. Widowhood differs basically from the two other mentioned family states, as it is not the result of voluntary choice. On 1 January, 1999 18.2 percent of women of 15 and over 15 was widow and 3.9 percent of men of 15 and over 15 was widower. As mortality data

of men are worse than that of the women, this family status is typical first of all of women. Furthermore mortality data of men worsen continuously, so the frequency of becoming widow has increased since the sixties. 26.5 cases of becoming widow fell on 1000 women of 15 and over 15, while this proportion was 12 per thousand in the sixties. In case of women widowhood is often accompanied by getting below the poverty threshold. First of all women who become widow in their old ages have a great chance to get into the poor layer and even within this category among the permanently poor persons.

A real alternative to marriage is the deliberately undertaken single family status. As it has already been mentioned in connection with timing of marriage, a determinant group of youngest adults postpone the marriage. Most of them live on in their parents' household first of all because of financial reasons and they are regarded as "children" in statistics. Smaller part of them maintain a flat alone as a well-paid and well-educated expert or entrepreneur of the change of regime. A part of persons belonging to this category live together with someone out of marriage, but an other part of them live without permanent relation of partners or cohabitation. The number of this layer is so small in our society that is hardly provable with data by macro-statistic enumeration. However, their social effect is presumably great because of providing a model, since also the mass media presents the life-style of these young experts, who "can not find time" to marry or to have a partner in greater proportion than their real number. In the ISSP research of families in 1994 there were several signs of the fact that the young, high-educated, urban women have more skeptical opinion about the institution of marriage than the average and even than men of the same family status. All these indicate that for a part of the young women being single is the result of choice and not of constraint. The growing rate of single women in the young age-group renders it probable that fertility is going to decrease further, as women who do not establish permanent relation of partners or postpone them, are going to give birth to less children than women getting married in their younger ages. Besides, the full fertility of women living in common-law marriages is lower than that of the women living in marriage.

The increase of births out of wedlock is in connection with the changes of forms of families and of cohabitation's models. While in the eighties less than 10 percent of children was born out of wedlock, this number was already 13 percent in 1990 and 26.4 percent in 1998. It is frequent especially in case of women becoming mother under 20 that their first child is born out of wedlock. However, at the same time it most be noted, that the children born out of wedlock are not born without a father but in common-law marriage. A significant number of persons living in common-law marriages marry each other just after the birth of their first child.

Divorce

The divorce and the family status of being divorced are important form of family and model of cohabitation in the Hungarian society nowadays.

The main indexes of divorce 1949-1998

year/number of years; number (average number) of divorces; number (average number) of divorces on 1000 existing marriages; number (average number) of divorces on 1000 conclusions of marriage

1949	12 556	5.8	116.5
1970-79	25 671	8.3	265.3
1980-89	27 940	10.3	384.4
1990	24 888	9.9	374.8
1996	22 590	9.7	461.7
1997	24 992	10.9	532.8
1998	25 509	11.3	560.4

The number of divorces increased quickly in Hungary after the Second World War. In 1949 already more than 12,000 couples divorced and this number doubled by the seventies. As it could have been seen when analyzing the number of getting married, extremely many marriages were contracted in the early seventies and the divorces in that decade and in the following ones concerned first of all these marriages having contracted between young persons. Therefore in the seventies and eighties a duality got on in the judgement of forms of families as on the one hand the society, the public opinion and the family expected the young persons to marry, but on the other hand accepted without regret that a significant number of marriages were dissolved.

In the nineties the number of divorces was about 24,000 per year - without taking into account its decrease in 1992/1993 - it again went up and reached 25,500 by the end of the decade. As the number of marriages decreased within this period, the proportion of divorces falling on 1000 marriages increased gradually and it reached 560 by 1998. 17-18 percent of marriages breaks up within ten years counting from the marriage, that is reflected in the fact that both in case of men and women divorce affects mostly the age-group between 20-29. However, divorce of couples over 30 and those having married long ago, is becoming also more and more frequent. In the case of three-quarters of marriages that were terminated by divorce there are also children in the family, so the fact of having common children does not hinder people to dissolve their marriages.

The growing number of the divorces and its permanently high level is in connection with the economic, social and legal changes which occurred in last decades. The fact that women have taken up employment in large numbers, the social and geographical mobility, the secularization and the amendment of legal background of divorce all contributed to that result. Here also has to be mentioned women's growing education as it changes their economic position, their chances on the labour market and forms their attitude to traditional marriage. Besides, it seems, that certain changes in consequence of the change of regime (mass unemployment, social uncertainty, difficulties of living on the one hand and the opportunity of becoming an entrepreneur and becoming rich on the other hand) have also weakened the stability of certain marriages.

The stay of the number of divorces on a permanently high level is strengthened - besides the social and economic reasons - by the fact that the society's relation to divorce has changed. Over the last decades divorce has become not only an accepted phenomenon but at the same time the best known and most preferable strategy of solving the conflicts in marriage, as it is reinforced by data of the mentioned ISSP research. It is remarkable that the acceptance of divorce as a conflict-solving strategy is typical rather of the middle-aged and elderly. During the research the older the inquired person was, the more he/she accepted the statement according to which "Usually divorce is the best solution if a couple does not able to solve the problems occurring in marriage".

As it could be seen, in three-quarters of marriages, which were terminated by divorce, there are also children in the family. The opinions and attitudes are in line with the real behavior; namely, people can not object the dissolution of their marriage even if it affects children. The question in relation to that - "Should the parents live on together in a family with children further, even if they can not get along well?" - expressed an attitude in favour of marriage and against divorce: Rather the low-educated persons agreed with this statement. Generally men were of the same opinion in every group based on different levels of education.

At the same time it is to be remarked that as a significant consequence of divorce, the chance of the children of divorced couples or who are affected by divorce to get into the poor layer either temporarily or permanently increases. For the majority of the society still (at least) two wages guarantee that they should avoid poverty further on. People also feel it very well, since the ISSP research in 1994 showed that the number of persons thinking that the main value of marriage is the financial safety has grown significantly since 1988. The fact that in spite of this dominant opinion the number of persons who do not choose this family status is growing, indicates that presently marriage as an institution is in crisis in Hungary.

Summary

This analysis focuses on the changes occurred in the last decades in connection with the forms of families and models of cohabitation. Both the demographical processes and the investigations of attitudes indicate that the judgement and acceptance of these forms and models have gradually changed in Hungary. Marriage, which was a traditionally accepted and respected form of cohabitation, has lost its popularity to a considerable extent. The postponement of marrying age is experienced, so considerable part of young persons postpone marriage in comparison with the last decades. Several young persons remain this way in their parents' household further on as children, while others choose common-law marriage instead of marrying. Cohabitation without marriage is becoming a widely spread form of living together for young persons nowadays. The re-marrying of divorced men and women has also decreased. A significant part of women become widow in the last years of their life in consequence of the early death and the wrong mortality data of men. Widowhood and its financial, mental and social consequences mean problem first of all for women. The number of divorces increased again by the end of the nineties and the result of this fact and of the decrease of the number of marriages is that the number of divorces falling on 1000 marriages is growing continuously. Certain values of marriage and its importance are queried, while common-law marriage and divorce are accepted at level of opinions and attitudes. These progresses have begun not nowadays, but mostly in the eighties. So the change of regime is not the reason for these changes, rather only strengthens these progresses.

Education and programs for protection of health serving the improvement of social relations

All over the world efforts are made to introduce the "education for family life" in schools. The misunderstanding of the real role of the family has resulted that mostly sexual information and techniques are presented in connection with this topic, also in the west. Typically, the importance of conjugal fidelity has become part of the educational programs solely with the aim to decrease the spread of AIDS. The voluntary decision for the whole life is more important nowadays than it was at that time when the decision was forced by society. While society forbid divorces, marriages had social safety but it implied also the acceptance of disorderly houses and infidelity. Nowadays the confidence in each other has the highest psychological value as it is voluntary, and the expectations of society and the external forces are exactly against it.

While students have to learn incredibly huge material of knowledge - for instance, in comparison with the Anglo-Saxon system of education -, every educational researcher experiences great backwardness' in two fields of the present Hungarian system of education:
- developing the skills of concentrating on problems and solving them,
- developing practical skills, first of all communicating and co-operating skills.

These two fields are in close connection with each other and the success of education for family life depends on these two fundamental principles. There is no need for abstract theories, but for those fundamental communicating and problem-solving skills which are fundamental not only in the life of a family but of any community. It is sorrowful to hear and see how the relations fall through in the traps of the "games" played by the partners with the best motives.

It should be educated already from the kindergartens that the co-operation is more efficient than defeating the other party - both parties may gain more by doing so. To begin with these skills can be improved in the most efficient way by collective sport games, plays and with drama-pedagogic means. It is not by chance that the supporting columns of the English school system are the teams and dramatic groups of the school.

For the whole time spent in the school system a practical program has to be elaborated - of course by using the creativity of kindergarten and school teachers - how these mentioned skills can be improved most efficiently. In this program teachers' training schools play a fundamental role, so as the first step these programs should be operated in these schools - it would be worth announcing a competition for kindergarten and school teachers.

Agenda

1. The development of communicative, co-operative and conflict-solving skills should be made part of the program of the whole school system. From this point of view teachers' training schools can have determinative role.

2. Amidst the changed circumstances the values of marriage and family should be transmitted towards the society without prejudices. Young persons wish to be happy but the mass media and the public opinion transmit false patterns of happiness, which regularly result in unhappiness and divorce.

3. It should be acknowledged that being woman means a special challenge and it can not be denied that women have particular task of extraordinary value, that is, they give birth to children. Also with regard to the future of society and the physical and mental health of women it is of fundamental importance to awake to the consciousness of biological and psychological facts, that is, that the physical and mental health of next generations are based on experiences of the childhood and the patterns transmitted by the mother and the greater family. Giving birth to a child and bringing him/her up is the most important experience of personality-development for the mother.

Families as workshops of the matured personality should be regarded as the most important investment.

The Hungarian system of child care allotments and child care benefit is an attempt to harmonize the maternity of women with their labour in the society and it can serve as a model also for other countries as this problem can not be treated properly anywhere either. The consequences of the restoration of these opportunities and the changes of the concerned attitudes shall be followed up continuously.

Having children is the most efficient and at the same time the cheapest solution of the crisis of the social security. The main cause of this crisis is the demographical crisis and the fact that the society is growing old. Young people should be supported by any means, that is, by legal rules and support to help them to found their families and have children.

4. Young persons are motivated partly by the desire to found a family and have children and partly by the wish for being independent and if they have to face great difficulties the latter can easily become stronger. Nowadays in Hungary it can be said that it has already happened, as the most dramatic change in the last four years is the decrease of the inclination to marry and it is very difficult to reverse such a negative tendency. Everything possible should be done so that young people should not cope with intolerable difficulties of living if they get married and would like to have a child. The cause of many divorces is the hectic life-style for the housing, which exhausts the marriage. Young persons should be supported to get over these difficulties otherwise they are consumed or do not attempt at all.

5. A fundamental objective is to provide opportunities for the concentration of forces of different generations. Old people are ready to help and motivated for achieving results very strongly, so the society should utilize these facilities. One of the main forces of the American society is the voluntary work. The development of personality at old age means that the old generation feels the responsibility and the elderly can get to the top of the development of their personality, for the lack of which old persons become isolated and unhappy, which destroy them both physically and mentally. Every such local initiative has to be supported which gives opportunity to elderly people to develop further, study and help in their environments. Families should be supported first of all in order to live close as a grandfather or grandmother can correct the disorders of personality emerging from the family problems most excellently.

6. The family can develop the personality of the growing child only together with the school so it can not be emphasized enough how important the close connection is between the parents and the schools, the free election of schools and the role of schools established on the ground of parental initiatives. Many examples in the last decade show how great efforts the parents are able to make for the proper education of their children and these endeavors have to be supported. Teachers' training schools can play an especially important role in strengthening the connection between the parents and the schools and in introducing the education for family life, already from the kindergartens.

7. The operation of democracy is based on mutuality and openness, it means the co-operation of matured personalities. The real democratic community is founded on confidence; it is open to the outside world, while at the same time it has great inner force. The "communities" of infantile personalities are based on hostility.

8. The real human values can be protected against the interests of consumption only by establishing civil organizations. Such civil organizations can be the so-called Health Funds, which are the most efficient means of prevention in several Western-European countries, like in Belgium and France - the prevention of the decrease of working ability, the development of skills of being able to come over the difficulties and the participation in joint sport programs and programs for protecting health are promoted by the state with tax allowances and by the employers with contributions. The Hungarian Association of Families with Many Children has given a unique example that families acknowledging their social responsibility may do their best most efficiently to realize the values of democracy and mutuality.

Annex

Part I

***Article 3.** Violence in the family*

1.1 Number of investigated perpetrators, victims and sentenced and imprisoned perpetrators by sex, 1990-1998

		1990		1995		1998	
		Number	Percent	Number	Percent	Number	Percent
Investigated perpetrators	Total	112 254	100.0	121 118	100.0	140 064	100.0
	Women	13 822	12.3	12 762	10.5	17 842	12.7
	Men	98 432	87.7	108 356	89.5	122 222	87.3
Victims of crimes	Total	20 4821	100.0	330 476	100.0	317 129	100.0
	Women	64 562	31.5	103 419	31.3	106 211	33.5
	Men	140 259	68.5	227 057	68.7	210 918	66.5
Sentenced perpetrators	Total	47 694	100.0	85 746	100.0	97 285	100.0
	Women	4 033	8.5	8 133	9.5	10 670	11.0
	Men	43 661	91.5	77 613	90.5	86 615	89.0
Imprisoned perpetrators	Total	12 319	100.0	12 455	100.0	14 366	100.0
	Women	591	4.8	641	5.1	823	5.7
	Men	11 728	92.5	11 814	94.9	13 543	94.3

1.2 Victims of crime by type of crime and sex, 1998 (Percent)

Crime	Women	Men
Crimes against individuals	3.8	4.3
Traffic crimes	2.1	1.9
Crimes against sexual morals	0.3	0.0
Crimes against public order	2.2	2.5
Crimes against property	91.2	90.7
Total	100.0	100.0
Total number of victims	107 398	213 473

1.3 Answers given by women over 18 to the questions listed below (Percent)

	Yes	No	Don't know	Missing answer
1 **Raped woman is to blame for the rape**	35.0	48.9	11.0	5.1
2 **Was almost raped**	9.4	79.9	10.6	0.1
3 **Was raped**	2.2	85.5	12.1	0.2
4 **Was raped by her husband**	7.6	79.5	12.3	0.6
5 **Was molested as a child**	8.1	80.2	11.0	0.7
6 **Father beat the mother**	19.6	68.3	10.9	1.2
7 **Parents threatened each other**	25.7	59.5	11.7	3.1

8 Was afraid of parents fighting	27.1	60.9	11.1	0.9
9 Was beaten by the parents	12.6	75.9	11.0	0.5
10 Was beaten by the parents regularly	4.9	82.9	11.6	0.7
11 Has slapped her child	13.3	72.9	13.0	0.9
12 Has beaten her children and regrets it	14.2	70.9	14.2	0.8
13 Parents have the right to slap their child	70.3	17.3	10.5	1.9
14 Has feared being beaten by her husband	18.1	69.1	11.8	1.0
15 Was frightened by her husband	22.3	65.4	11.9	0.4
16 Was beaten by her husband	13.4	72.1	14.2	0.4
17 Family problems must be keep secret	55.0	31.2	11.3	2.5
18 Police do not do anything against violence	45.0	40.9	10.9	3.2

1.4 Average age of woman giving birth to a child by ordinal rank of live births, 1970–1998 (years)

Year	Ordinal of live birth										Total
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th and over	
1970	22.56	26.24	28.66	30.18	31.34	32.40	33.91	35.15	35.91	38.02	25.11
1980	22.86	25.75	28.07	29.34	30.63	32.13	33.17	34.38	35.54	37.73	24.95
1990	22.99	26.45	29.41	31.00	31.94	32.79	33.51	34.78	36.17	37.09	25.67
1995	23.43	26.48	29.18	30.75	31.72	32.72	33.34	34.45	35.82	37.99	25.97
1998	24.29	26.98	29.03	30.50	31.36	32.48	33.68	34.16	35.45	37.29	26.44

1.5 Number of divorces and divorce rate, 1960–1998

Year	Number of divorces	Divorces per thousand			Average age of	
		Existing marriages	Population	Marriages	men	women
1960	16 590	6.5	1.7	187.3	37.6	33.9
1980	27 797	9.9	2.6	346.0	35.7	32.6
1990	24 888	9.9	2.4	374.8	36.7	33.8
1995	24 857	10.5	2.4	464.9	37.2	34.3
1998	25 763	11.4	2.5	573.6	38.3	35.4

1.6 Day-care, canteen meals, student's residence

Year	Students in day-care	Canteen meals			Students in student's residence		
		Kinder-garten	Elementary school	Secondary school	Apprentice-ship school	Secondary school	University, college
	As percentage of total number of students				As percentage of total number of students		
1960	8,1	53,6	7,9	3,4	17,7	20,0	49,6
1980	38,2	95,1	44,6	21,2	18,7	23,8	47,1
1990	37,2	95,2	54,5	33,0	13,1	18,2	46,8
1995	34,1	94,9	54,9	25,0	12,2	16,1	33,5
1997	34,7	96,1	56,0	20,8	12,2	15,1	30,0

1.7 *Age at which a woman should give birth to her first child*
Valid answers by the respondent's level of education and sex, 1997 (Percentage)

At what age should a woman give birth to her first child?	Level of education							
	8 grades of elementary school or less		Apprenticeship school		Secondary school		Tertiary educational degree	
	Women	Men	Women	Men	Women	Men	Women	Men
Before the age of 20	10,7	15,8	2,8	6,9	-	3,1	1,9	3,5
Between the age of 20 and 24	76,1	70,5	71,1	72,0	63,4	64,4	40,0	54,1
Between the age of 25 and 29	11,8	13,0	23,2	19,0	31,7	30,6	50,5	42,4
At the age of 30 or later	1,4	0,7	2,8	2,2	4,9	1,9	7,6	-
Total	347	146	142	232	205	160	105	85

Fertility indices, 1960–1998

Year	Crude birth rate (live births per thousand population)	Live births per thousand women aged 15–49	Live births per thousand married women aged 15–49	Births in wedlock	Births out of wedlock	Boys per hundred girl live births	Reproduction coefficient		Total fertility rate	Average ordinal of live birth
				out of hundred live births			crude	cleaned		
1960	14,7	58,9	78,4	94,5	5,5	107,2	0,975	0,917	2,02	2,18
1980	13,9	57,6	73,7	92,9	7,1	104,9	0,937	0,909	1,92	1,82
1990	12,1	49,4	67,4	86,9	13,1	104,5	0,906	0,889	1,84	1,88
1995	11,0	43,3	59,9	79,3	20,7	105,6	0,764	0,750	1,57	1,95
1998	9,6	38,0	51,6	73,4	26,6	105,5	0,649	0,638	1,33	1,94

Percentage of women without children by age group, 1970–1998

Year (January 1)	15-19	20-24	25-29	30-34	35-39	40-44	45-49	Total
1970	97.6	62.1	25.2	13.7	10.8	12.3	14.4	36.2
1985	92.9	50.1	19.3	12.6	10.3	9.9	10.0	27.9
1998	96.0	72.8	33.7	14.5	9.3	7.9	7.9	35.3

1.8 Average daily time schedule of population aged 18–60, 1963–1993 (minutes)

Activities	Women				Men			
	1963	1977	1986	1993	1963	1977	1986	1993
Socially determined time	**612**	**590**	**573**	**511**	**606**	**556**	**546**	**477**
1 Gainful employment, productive activity	204	245	230	163	450	378	367	296
2 Education, self-education[a]	.	.	.	.	.	.	.	.
3 Caring for the family, household	384	291	288	301	96	104	108	119
3.1 Housework	306	241	224	236	72	83	84	90
3.1.1 Cooking	108	90	80	85	6	9	9	11
3.1.2 Cleaning	78	73	70	75	6	9	8	11
3.1.3 Laundry, ironing, sewing	72	49	47	46	0	1	1	3
3.1.5 Heating, carrying water	24	4	5	4	24	10	11	12
3.1.6 Maintenance of house and garden, repairs, construction	6	5	5	7	18	24	32	30
3.1.7 Other[b]	18	20	17	19	18	30	23	23
3.2 Shopping	30	19	19	20	12	7	9	12
3.3 Childrearing, childcare	48	31	45	45	12	14	15	17
4 Traffic	24	54	55	47	60	74	71	62
Physiological needs	**672**	**660**	**652**	**689**	**660**	**654**	**650**	**679**
Free time	**156**	**188**	**212**	**241**	**174**	**228**	**243**	**281**
6.1 Social free-time	18	39	42	44	54	58	56	59
6.2 Cultural and sports activities	6	3	3	2	6	6	5	3
6.3 Reading, studying	30	28	39	32	54	48	50	34
6.4 Listening to the radio, music	18	3	2	3	24	7	6	6
6.5 Watching television	24	84	101	139	24	93	111	159
6.6 Physical training	6	10	6	8	6	13	12	15
6.7 Other	24	21	19	13	6	3	3	5
Total	**1 440**	**1 440**	**1 440**	**1 440**	**1 440**	**1 440**	**1 440**	**1 440**

Note: [a] The activity of "education, self-education" belongs to the category of socially determined activities but at the survey of 1963 it appears included among the free-time activities, included in the activity of "reading". For the sake

of comparability data of the further surveys was processed in accordance with this.
[2]This category includes helping and voluntary work, transaction of affairs, using services, activity of attending cemetery and church.

Average daily time schedule of population aged 18–69 by economic status and sex, 1993 (minutes)

Activity	Active earner	Working-aged non-active population					Pensioner*	Total Population aged 18-69
		Parental leave taker	Home-maker	Un-employed	Disabled pensioner	Total		
				Women				
Socially determined time	613	597	534	485	452	507	412	532
1/ Gainful employment, productive activity	312	21	73	56	55	44	74	176
2/Education, self-education[2]	8	4	2	12	1	5	0	5
3/Caring for the family, household	232	535	427	368	336	416	302	302
4/Traffic	61	36	31	48	39	42	36	49
Physiological needs	636	642	667	689	727	682	733	673
Free time	192	202	239	266	281	251	294	235
Total	1440	1440	1440	1440	1440	1440	1440	1440
				Men				
Socially determined time	551	..	–	395	273	345	325	474
1/ Gainful employment, productive activity	375	..	–	133	110	124	146	287
2/ Education, self-education[2]	6	..	–	18	2	11	0	7
3/Caring for the family, household	99	..	–	185	135	162	136	118
4/Traffic	71	..	–	59	25	47	43	62
Physiological needs	639	..	–	714	796	744	769	681
Free time	250	..	–	331	372	351	346	286
Total	1440	..	–	1440	1440	1440	1440	1440

Note: *Disabled pensioners not included.

Average daily time schedule of active earners aged 18–69, by sex, marital status and number of children, 1993 (minutes)

Activity	Marital status and number of children			
	Single	Married		
		without children	with one child	with 2 and more children
		Women		
Socially determined time	570	614	638	655
1/Gainful employment, productive activity	338	315	315	268
2/ Education, self-education[2]	19	4	5	5
3/Caring for the family, household	141	237	264	324
4/Traffic	72	59	54	58
Physiological needs	646	635	631	620
Free time	224	191	171	165
Total	1440	1440	1440	1440

	Men			
Socially determined time	**507**	**551**	**578**	**589**
1/Gainful employment, productive activity	331	391	404	370
2/Education, self-education*	6	7	5	5
3/Caring for the family, household	89	84	102	150
4/Traffic	81	69	65	64
Physiological needs	**645**	**646**	**623**	**638**
Free time	287	243	242	216
Total	1440	1440	1440	1440

Share of individuals doing certain activities on an average day and the volume of time spent, by sex and marital status, 1993

Social category	Full-time employment	Income supplement from agricultural activity	Education, Self-education	Housework	Child-rearing, child-care	Full-time employment	Income supplement from agricultural activity	Education, self-education	Housework	Child-rearing, child-care
	Individuals (percent)					Time (minute)				
	Women									
Marital status and number of children*										
Single	71.5	9.6	6.1	88.5	4.2	452	143	310	133	89
Married without child	63.2	23.7	2.0	98.0	8.2	456	111	178	204	104
Married with one child	65.4	17.6	2.1	98.8	59.6	451	101	219	200	71
Married with 2 or more children	58.7	14.4	3.8	98.4	81.6	432	91	122	218	105
Total	**64.6**	**16.9**	**3.4**	**98.8**	**31.1**	**451**	**113**	**230**	**188**	**91**
	Men									
Marital status and number of children*										
Single	59.6	17.8	3.9	60.4	1.7	479	216	160	119	120
Married without child	66.6	34.7	4.5	59.9	6.0	490	180	154	105	95
Married with one child	69.0	25.4	3.1	56.0	37.8	518	170	155	100	89
Married with 2 or more children	65.5	30.6	2.9	60.8	55.2	502	176	149	113	90
Total	**64.4**	**27.2**	**3.8**	**58.8**	**23.3**	**498**	**184**	**170**	**108**	**89**

*Individuals aged 15 or younger.

On what would you spend more time if it were possible?
– Valid answers by sex and marital status as share of groups of population (%)

	Marital status							
	Married		Widow(er), divorced		Cohabitation		Single	
	Women	Men	Women	Men	Women	Men	Women	Men
Earning money	32.4	28.3	22.1	55.3	35.7	42.2	42.3	42.3
Housework	15.9	9.5	11.5	12.5	13.3	10.6	21.8	10.8
Family	70.7	63.6	53.2	45.6	64.4	70.2	59.5	54.3
Friends	32.9	34.7	27.0	23.2	46.7	60.9	58.2	56.4
Relaxation	64.8	59.7	29.9	36.2	68.9	76.6	71.3	63.6

On what would you spend more time if it were possible?
– Valid answers by sex and marital status as share of groups of population (%)

	Age 18-29		Age 30-39		Age 40-49		Age 50-61		Age 62-	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
Earning money	50.7	52.3	29.8	31.9	26.9	31.5	32.8	31.9	14.5	19.4
Housework	21.3	11.4	18.3	9.6	17.4	15.0	13.6	9.2	9.0	5.1
Family	72.7	63.5	76.9	79.1	76.3	68.7	62.5	61.0	45.4	34.5
Friends	54.7	54.2	38.2	46.5	37.7	43.5	35.6	37.1	14.3	15.8
Relaxation	70.2	64.9	75.0	69.6	70.3	72.4	61.0	63.2	33.3	29.3

Part II

Article 7. *Political and public life*

Financial support allocated by the Parliament's Committee on Non-Goverumental Organisations (1991-1999)

Non-governmental organisations receiving budgetary support	Amount (HUF)	Percentage
1991		
Hungarian Girl Scouts Association	75751.9	
Hungarian Women's Alliance Association	10010002.5	
Total	**17517754.4**	
		0.4 386
1992		
Hungarian Girl Scouts Association	800800	
Hungarian Women's Association	1500	
Feminist Network	50	
Total	**2350**	
		0.5 51
1993		
Hungarian Women's Association	200	
Association of Hungarian Nurses	2000	
Total	**2200**	
		0.535
1994		
Association of Hungarian Nurses	2000	
Hungarian Women's Association	580	
Hungarian Girl Scouts Association	1500	
Total	**4080**	
		0.951
1995		
Association of Hungarian Nurses	300	
Women for Women Together Against Violence (NANE)	1000	
Hungarian Girl Scouts Association	700	
Catholic Women's and Girl's Alliance	500	
Hungarian Women's Association	1900	
Total	**4400**	
		1.1
1996		
Association of Hungarian Nurses	1000	
Women for Women Together Against Violence (NANE)	600	
Hungarian Girl Scouts Association	600	
First Hungarian Rural Women's Association	200	
Independent Alliance of Women's Representation	500	
Hungarian Women's Association	2100	

Total	**5000**	
		1.282
1997		
First Hungarian Rural Women's Association	200	
FEBE Evangelical Diaconissa Association	600	
Hungarian Family and Women Protecting Scientific Asso	200	
Association of Hungarian Nurses	500	
Women for Women Together Against Violence (NANE)	600	
Hungarian Girl Scouts Association	300	
Hungarian Association of Graduate Women	50	
Independent Association of Women	350	
Hungarian Women's Association	1200	
Total	**4000**	
		1.547

1998		
First Hungarian Rural Women's Association	250	
FEBE Evangelical Diaconissa Association	800	
Association of Hungarian Nurses	500	
Hungarian Family and Women Protecting Scientific Asso	200	
Hungarian Girl Scouts Association	350	
Hungarian Association of Graduate Women	100	
Independent Alliance of Women's Representation	200	
Independent Association of Women	500	
Hungarian Women's Association	1300	
Women for Women Together Against Violence (NANE)	400	
Total	**4600**	
		1.580
1999		
FEBE Evangelical Diaconissa Association	600	
Association of Hungarian Nurses	500	
Civil Association of Women of Nógrád County	200	
Catholic Women's and Girl's Alliance	200	
Hungarian Girl Scouts Association	400	
Women's Association of Fűzesgyarmat	300	
Independent Association of Women	2100	
Hungarian Women's Association	700	
NANE Association	300	
Total	**5300**	
		1.679

Financial support for social and charity activities 1999	**Amount (thousand HUF)**	**Percentage**
Mother Protecting Foundation	700	
Women's House Public Association	700	
S.O.S. Crisis Foundation	550	
Total	**1950**	
		1.125

1.9 Highest level of education by sex as share of relevant population

Level of education, age-group	1960	1980	1990	1996
Men				
Tertiary educational degree				
Population aged 25 and older	4.7	8.6	11.8	13.7
Population aged 25–39	5.7	10.5	11.9	12.5
Secondary school				
Population aged 18 and older	7.8	16.7	18.0	21.3
Population aged 25–39	8.7	21.7	21.0	24.8
8 classes of elementary school *				
Population aged 15 and older	23.4	47.8	56.1	58.3
Population aged 25–39	24.9	61.0	63.8	60.7
Population with less than 8 classes of elementary school				
Population aged 15 and older	65.5	28.9	17.2	10.6
Population aged 25–39	60.7	6.8	3.3	2.0
Women				
Tertiary educational degree				
Population aged 25 and older	1.2	4.6	8.7	10.7
Population aged 25–39	1.9	9.8	14.7	16.4
Secondary school				
Population aged 18 and older	5.5	17.8	21.6	26.4
Population aged 25–39	6.0	29.9	31.9	35.9
8 classes of elementary school *				
Population aged 15 and older	25.1	40.1	45.7	47.2
Population aged 25–39	26.8	52.7	49.5	45.1
Population with less than 8 classes of elementary school				
Population aged 15 and older	68.7	38.4	26.1	18.5
Population aged 25–39	65.3	7.6	3.9	2.6
	Total population			
Tertiary educational degree				
Population aged 25 and older	2.8	6.5	10.1	12.1
Population aged 25–39	3.8	10.1	13.3	14.4
Secondary school				
Population aged 18 and older	6.6	17.3	19.9	24.0
Population aged 25–39	7.2	25.8	26.4	30.3
8 classes of elementary school *				
Population aged 15 and older	42.9	43.8	50.6	52.4
Population aged 25–39	26.0	56.9	56.7	53.0
Population with less than 8 classes of elementary school				
Population aged 15 and older	67.2	33.9	21.9	14.8
Population aged 25–39	63.0	7.2	3.6	2.3

Note: * Including those graduated from apprenticeship schools.

Secondary school graduates in regular education by sex

Type of school	1971			1984			1997		
	Secondary school graduate	Women (%)	Men (%)	Secondary school graduate	Women (%)	Men (%)	Secondary school graduate	Women (%)	Men (%)
Grammar school	25 939	65.7	34.3	21 125	64.4	35.6	32 651	62.2	37.8
Vocational secondary school	22 111	47.0	53.0	25 284	51.2	48.8	42 913	50.8	49.2
Out of this									
Industry	10 286	20.1	79.9	10 951	17.0	83.0	20 168	30.4	69.6
Agriculture	3 233	30.4	69.6	2 095	21.4	78.6	3 601	40.1	59.9
Commerce	1 533	85.4	14.6	1 225	83.1	16.9	3 077	74.8	25.2
Economics	4 965	87.0	13.0	4 808	89.9	10.1	8 682	73.5	26.5
Transportation	190	50.5	49.5	537	26.4	73.6	151	47.7	52.3
Postal service	229	84.3	15.7	688	87.9	12.1	850	81.2	18.8
Catering	227	56.8	43.2	365	40.0	60.0	1 433	49.1	50.9
Pedagogy, public education	157	100.0	0.0	1 121	100.0	0.0	833	95.2	4.8
Health	886	99.8	0.2	3 077	97.9	2.1	3 227	94.0	6.0
Art	405	66.7	33.3	417	65.7	34.3	791	62.7	37.3
Total	**48 050**	**57.1**	**42.9**	**46 409**	**57.2**	**42.8**	**75 564**	**55.8**	**44.2**

Note: * From 1998 the system of vocational education has changed. Data are not comparable.

Regular secondary and tertiary education students by sex (percentage)

Year	Apprenticeship school		Secondary school		University, college	
	Women	Men	Women	Men	Women	Men
1970	24.6	75.1	58.3	41.7	44.7	55.3
1980	31.6	68.4	57.6	42.4	49.9	50.1
1990	33.9	66.1	57.5	42.5	48.8	51.2
1995	35.2	64.8	54.8	45.2	52.0	48.0
1998	36.3	63.7	53.8	46.2	53.2	46.8

Part IV

Article 16. Marriage and family life

Contraceptives in commerce and prices in Hungary

1 Medicines

NAME	HUF
Anteovin tbl 63x	555
Cilest tbl. 21x	793
Cilest tbl. 63x	2 120
Contiunuin tbl 42x	492
Cyclo-Menorette drg 21x	920
Cyclo-Menorette drg 63x	2 620
Diane drg 21	1 390
Diane drg 63	3 780
Divina tbl 21x	922
Femoden drg 21x	1 070
Femoden drg 63x	2 630
Klimonorm drg. 21x	974
Klimonorm drg 63x	2 790
Marvelon tbl 21x	831
Marvelon tbl 63x	2 360
Mercinol tbl 21x	907
Mercinol tbl 63x	2 570
Minulet drg 21x	1 120
Minulet drg 63x	2 610
Novynette tbl 63x	2 360
Ovidon tbl 21	334
Regulon tbl 21x	820
Regulon tbl 63x	2 160
Rigevidon tbl 21x	302
Rigevidon tbl 63x	755
Trinordiol drg 21x	466
Trinordiol drg 63x	1 080
Triodena drg 21x	1 100
Triodena drg 63x	2 740
Triquilar drg 63x	1 470
Tri-Regol drg 21x	302
Tri-Regol drg 63x	755
Tri-Regol drg 21+7	540

2 Intrauterine device

Goldlily 1 piece *2 518 Ft*
Multiload 1 piece *2 429 Ft*
Silverlily 1 piece *1 671 Ft*

3 Pessary *430 Ft*

4 Condoms

Packet of 3-10 *220-333 Ft*

Provision of law

On the Labor Code

Part one. Prohibition on Discrimination and the Obligation of Priority

Section 5

(1) In connection with an employment relationship, no discrimination shall be practiced against employees on the basis of gender, age, race, national origin, religion, political views or membership in employee interest representation organizations or activities connected therewith, as well as any other circumstances not related to employment. Any differentiation clearly and directly required by the character or nature of the work shall not be construed as discrimination.

(2) In the event of any dispute related to a violation of the prohibition on discrimination, the employer shall be required to prove that his actions did not violate the provisions of Subsection (1).

(3) Employers shall provide the opportunity to employees for advancement to higher positions without discrimination and solely on the basis of the length of employment, professional skills, experience and performance.

(4) In respect of a specific group of employees the obligation of priority may be prescribed in employment-related regulations, in connection with an employment relationship and under the same conditions.

Section 75

(1) Women and minors shall not be employed in work which may result in detrimental effects on their physical condition or development. The particular jobs for which women or minors may not be employed, or may only perform if specific working conditions are provided or on the basis of a preliminary medical examination, shall be determined by law.

Act IV of 1978

Criminal Code

Kidnapping

Section 175/A

(1) The person who deprives another person of his freedom with violence, or with imminent menace against life or corporeal integrity, or by taking advantage of his condition of being unable to defend himself or to declare his will, and makes his release dependent on the performance of a demand, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the kidnapping is committed

(a) as part of a criminal conspiracy;

(b) in an armed manner.

(3) The punishment shall be imprisonment from five years to fifteen years, or life imprisonment, if the kidnapping is committed

(a) causing an especially grave disadvantage;

(b) causing death.

(4) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the kidnapping also realizes intentional homicide.

(5) The person who commits preparations to kidnapping, shall be punishable for a felony with imprisonment of up to three years.

(6) The punishment of the person who voluntarily stops kidnapping, before grave consequences have originated therefrom, may be mitigated without limitation.

(7) The person who credibly learns, that the perpetration of kidnapping is prepared, and fails to inform the person concerned or the authorities about this as soon as he can do so, commits a felony, and shall be punishable with imprisonment of up to three years, if the kidnapping has at least been attempted.

Trafficking in human beings

Section 175/B

(1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years if the criminal act is committed

(a) against a person deprived of personal freedom,

(b) against a person under the age of eighteen,

(c) for the purpose of forced labor,

(d) for the purpose of sodomy or sexual intercourse, or to involuntarily engage in such with another person.

(3) The punishment shall be imprisonment between two to eight years if the criminal act

(a) involves two of the cases described in Subsection (2), or if the criminal act is committed

(b) as part of a criminal organization,

(c) against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator.

(4) The punishment shall be imprisonment between five to ten years if the criminal act

(a) involves three of the cases described in Subsection (2), or if the criminal act is committed

(b) against a person deprived of personal freedom, as part of a criminal organization,

(c) against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(5) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the criminal act is committed for the purpose of forced labor and sodomy or sexual intercourse, or to involuntarily engage in such with another person

(a) against a person deprived of personal freedom, as part of a criminal organization,

(b) against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(6) Any person making preparations to engage in trafficking in human beings commits a misdemeanor offense and shall punishable with imprisonment of up to two years.

Production of prohibited pornographic pictures

Section 195/A

(1) A person making pornographic pictures of a minor by video, film, photograph or by any other means, distributes or trades such pictures, commits a felony and shall be punishable with imprisonment between two to eight years.

(2) A person having a minor participating in a pornographic show shall be punishable as set forth in Subsection (1).

(3) The person providing financial means and thus assisting in the commission of the crime defined in Subsections (1)-(2) shall be punishable with imprisonment between two to eight years.

(4) In the application of Subsections (1)-(2) pornographic picture or pornographic show is the act or display of sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanor.

Seduction

Section 201

(1) The person who has sexual intercourse with a person who has not yet completed his fourteenth year, as well as the person who has completed his eighteenth year and engages in fornication with a person who has not yet exceeded his fourteenth year of age, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) That person who has completed his eighteenth year and strives to persuade a person who has not completed his fourteenth year, to have sexual intercourse or to fornicate with him, commits a felony and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

Section 202

(1) The person who induces a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The person who has completed his eighteenth year and strives to persuade a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

Promotion of prostitution

Section 205

(1) The person who makes available a building or another place for prostitution to another person, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who maintains, heads a brothel, or makes available financial means to the functioning thereof, commits a felony and shall be punishable with imprisonment of up to five years.

(3) The punishment shall be imprisonment from two years to eight years, if

(a) any person who has not yet completed his eighteenth year engages in prostitution in the brothel,

(b) prostitution is promoted as part of a criminal organization.

(4) The person who persuades another person to engage in prostitution, shall be punishable in accordance with subsection (1).

Living on earnings of prostitution

Section 206

The person who lives wholly or in part on the earnings of a person engaging in prostitution, commits a felony, and shall be punishable with imprisonment of up to three years. Banishment may also take place as a supplementary punishment.

Pandering

Section 207

(1) The person who solicits another person for sexual intercourse or fornication for somebody else in order to make profit, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the pandering is business-like.

(3) The punishment shall be imprisonment from two years to eight years, if the pandering is committed

(a) to the injury of a relative of the perpetrator or of a person under his education, supervision or care or who has not yet completed his eighteenth year of age,

(b) with deceipt, violence or direct menace against life or limbs.

(c) as part of a criminal organization

(4) The person who agrees on the perpetration of pandering defined in subsection (2) commits a felony and shall be punishable with imprisonment of up to three years.

Section 210/A

(1) Prostitution is pursued by the person who has sexual intercourse or fornicates striving to make regular profit.

(2) For the purposes of this Title, fornication is: any gravely indecent act with the exception of sexual intercourse, which serves the stimulation or satisfaction of sexual desire.

Act XX of 1949 Constitution of the Hungarian Republic
Act LXV of 1990 On Local Governments

Act XX of 1949

Constitution of the Republic of Hungary

Article 66

(1) The Republic of Hungary shall ensure the equality of men and women in all civil, political, economic, social and cultural rights.

Article 70

(1) All adult Hungarian citizens residing in the territory of the Republic of Hungary have the right to be elected and the right to vote in Parliamentary elections, local government elections or minority self-government elections, provided that they are present in the country on the day of the election or referendum, and furthermore to participate in national or local referenda or popular initiatives.

(2) Persons residing in the territory of the Republic of Hungary as immigrants who do not have Hungarian citizenship also have the right to vote in local government elections of representatives and the Mayor, as well as the right to participate in local referenda and popular initiatives, in accordance with the regulations of a separate law, provided that they are present in the country on the day of the election or referendum.

(3) The right to vote shall not be granted to persons who are under guardianship limiting or excluding their capacity, to persons who are subject to a final legal judgement forbidding them to participate in public affairs, nor to persons who are incarcerated on the basis of a final legal judgement or who are under compulsory institutional care on the basis of a final legal judgement rendered in criminal proceedings.

(4) All Hungarian citizens have the right to participate in public affairs, and furthermore to hold public office in accordance with their suitability, education and professional ability.

Article 70/A

(1) The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever.

(2) The law shall provide for strict punishment of discrimination on the basis of paragraph (1).

(3) The Republic of Hungary shall endeavour to implement equal rights for everyone through measures that create fair opportunities for all.

Chapter XIII

Basic principles of elections

Article 71

(1) Members of Parliament, members of representative bodies of local governments, Mayors and the Mayor of the Capital are elected by direct, secret ballot by voting citizens, based on their universal and equal right to vote.

(2) The members of the local government representative body of counties shall elect the President of the representative body by direct, secret ballot.

(3) Separate laws shall establish provisions for the election of Members of Parliament, members of representative bodies of local governments and Mayors. A majority of two-thirds of the votes of the Members of Parliament present is required to pass such laws.

Act LXV of 1990

On Local Governments

Chapter IV

Local Referendum, People's Initiative

Section 45

(1) Anyone, who is eligible to vote in the municipal elections, may take part in local referenda and people's initiative.

Act LV of 1993 On Hungarian Citizenship Government Decree No. 125/1993 (IX.22.) on the Execution of act LV of 1993 on Hungarian Citizenship

Act LV of 1993

on Hungarian Citizenship

In the interest of preserving the moral importance of Hungarian citizenship and strengthening the attachment of Hungarian citizens to the Republic of Hungary, also with regard to the traditions of Hungarian citizenship law and the provisions of international conventions, Parliament hereby creates the following act on the rules of the derivation, acquisition and termination of Hungarian citizenship:

Basic principles

Section 1

(1) There shall be no discrimination between Hungarian citizens on the basis of the legal grounds of the derivation or acquisition of citizenship.

(2) No one shall be deprived of their citizenship or of the right of changing their citizenship on an arbitrary basis.

(3) This act

- promotes the unity of the citizenship of the family while respecting the person's freedom of will;

- promotes the reduction of the cases of statelessness;
- provides for the protection of personal data.

(4) This act has no retroactive effect. The legal rules which were in force at the time of the occurrence of the facts or events affecting citizenship shall apply to Hungarian citizenship.

Hungarian citizens

Section 2

(1) A person who is a Hungarian citizen at the date of the coming into force of this act and who becomes a Hungarian citizen through the force of this act, or who acquires Hungarian citizenship on the basis of this act, shall qualify as a Hungarian citizen, until his citizenship terminates.

(2) Unless an act provides otherwise, a Hungarian citizen who is simultaneously also the citizen of another state shall be regarded as a Hungarian citizen for the purposes of the application of the Hungarian law.

Derivation of Hungarian citizenship

Section 3

(1) The child of a Hungarian citizen shall become a Hungarian citizen by birth.

(2) The Hungarian citizenship of the child of a non-Hungarian citizen parent shall derive with retroactive effect to the date of birth, if the other parent is a Hungarian citizen, on the basis of an acknowledgement of paternity of full force, subsequent marriage, or the establishment by a judge of fatherhood or motherhood.

(3) Until the contrary is proved, the following shall be regarded as Hungarian citizens:

(a) children born in Hungary of stateless persons residing in Hungary;

(b) children born of unknown parents and found in Hungary.

Acquisition of Hungarian Citizenship

Naturalization

Section 4

(1) On application, a non-Hungarian citizen may be naturalized if:

(a) the person resided in Hungary continuously over a period of eight years preceding the submission of the application;

(b) according to Hungarian law, the person has a clean criminal record, and at the time of the assessment of the application, there are no criminal proceedings in progress against him before a Hungarian court;

(c) his livelihood and residence are assured in Hungary;

(d) his naturalization does not violate the interests of the Republic of Hungary; and

(e) the person proves that he has taken and passed an examination in basic constitutional studies in Hungarian. Only a person of full age is obliged to take this examination.

(2) A non-Hungarian citizen who resided in Hungary continuously over at least a period of three years preceding the submission of the application, and if the conditions defined in subsection (1), paragraphs *(b)* to *(e)* are satisfied may be naturalized on preferential terms, provided that

(a) the person has lived in a valid marriage with a Hungarian citizen for at least three years, or the marriage has been terminated through the spouse's death;

(b) the person's minor child is a Hungarian citizen;

(c) the person has been adopted by a Hungarian citizen, or

(d) the person has been recognized as a refugee by a Hungarian authority.

(3) In the case of the satisfaction of the conditions defined in subsection (1), paragraphs (*b)* to (*e)*, on application, a non-Hungarian citizen claiming to be a Hungarian national who has lived in Hungary for at least one year at the time of the submission of the application, and at least one of whose relatives in ascendent line was a Hungarian citizen, may be naturalized on preferential terms.

(4) The condition of continuous stay in Hungary for the periods of time defined in subsections (1) and (2) may be waived in the case of a minor, if the minor's naturalization is applied for together with the parent's.

(5) In the case defined in subsection (2), paragraph *c)*, on application, the condition of continuous stay in Hungary for a period of three years may be waived.

(6) At the recommendation of the Minister of the Interior, the President of the Republic may grant exemption from the conditions defined in subsection (1), paragraphs *a)*, *c)* and *e)* if an important interest of the Republic of Hungary is attached to the naturalization of the applicant.

Re-naturalization

Section 5

On application, a person residing in Hungary whose Hungarian citizenship terminated may be re-naturalized if the conditions defined in Section 4, subsection (1), paragraphs (*b)* to (*d)* are satisfied.

Waiver

Section 8

(1) A Hungarian citizen residing abroad may waive his Hungarian citizenship in a declaration addressed to the President of the Republic if

(a) he also has foreign citizenship or is able to render the acquisition thereof probable and

(b) no criminal proceedings are in progress against him in a Hungarian court of law, or the penalty imposed by a Hungarian court of law can no longer be executed, and

(c) he has no tax or other public debts in Hungary.

(2) If the conditions established in subsection (1) are satisfied, the Minister of the Interior shall make a recommendation to the President of the Republic concerning the acceptance of the waiver. The President of the Republic shall issue a certificate of the termination of Hungarian citizenship through waiver. Hungarian citizenship shall terminate on the day of the issue of the certificate.

(3) The Minister of the Interior shall establish in a decision if the conditions for the acceptance of the waiver are not satisfied. The Metropolitan Court may be requested to review the decision.

Revocation of Hungarian citizenship

Section 9

(1) Hungarian citizenship may be revoked from a Hungarian citizen residing abroad if he has acquired his Hungarian citizenship by violating the rules of law, in particular, if he has acquired it

by misleading the authorities by supplying untrue data or by concealing data or facts. No revoking shall take place upon expiry of a period of ten years reckoned from the date of the acquisition of Hungarian citizenship.

(2) The Minister of the Interior shall establish the existence of a fact giving rise to the revocation of citizenship in a decision. The Metropolitan Court may be requested to review the decision.

(3) The President of the Republic shall decide on the termination of Hungarian citizenship through revocation, based upon the recommendation of the Minister of the Interior.

(4) The decision concerning the revocation of Hungarian citizenship shall be published in the Hungarian Gazette (Magyar Közlöny). Hungarian citizenship shall terminate on the day of the publication of the decision.

Section 21

(1) Persons deprived of their Hungarian citizenship on the basis of act X of 1947 and act XXVI of 1948 on the Divestment of Certain Persons Staying Abroad of Their Hungarian Citizenship, act LX of 1948 on Hungarian Citizenship, and act V of 1957 on Citizenship, those who lost their Hungarian citizenship on the basis of Decree No. 7970/1946. M. E. of the Government of the Republic of Hungary, Government Decree No. 10. 515/1947. Korm. and Government Decree No. 12. 200/1947/Korm., as well as those whose Hungarian citizenship terminated through dismissal between 15 September 1947 and 2 May 1990, shall acquire Hungarian citizenship by a personal written declaration addressed to the President of the Republic of Hungary as of the date of the declaration.

(2) On the basis of the declaration, the Minister of the Interior shall issue a certificate of citizenship for the person concerned.

Government Decree No. 125/1993 (IX.22.)

on the Execution of act LV of 1993 on Hungarian Citizenship

Based upon the authorization granted in Section 24, subsection (4) of act LV of 1993 on Hungarian Citizenship (hereinafter "CA"), the Government hereby creates the following Decree concerning the detailed rules of citizenship proceedings:

Application for Citizenship

Section 1

The applications for citizenship defined in Section 13, subsection (1) of act LV of 1993 on Hungarian Citizenship shall be submitted in the forms specified in the Schedules to this Decree:

(a) the application for naturalization (re-naturalization) in *Schedule No. 1*;

(b) declaration of waiver of citizenship in *Schedule No. 2*;

(c) the application for a certificate of citizenship in *Schedule No. 3*.

Section 2

(1) On receiving an application for citizenship, the registrar or the consul shall check the identity of the applicant and shall authenticate his signature.

(2) An applicant residing abroad may also have his identity verified and his signature authenticated by the authority authorized thereto in his place of residence. The application shall

be sent to the competent Hungarian consul. The consul shall verify that authentication has been effected by a person authorized thereto.

(3) The registrar or the consul shall forward the application together with the appendixes thereto to the Minister of the Interior, within the deadline established in Section 13, subsection (2) of CA. The forwarding of an application may not be refused on the grounds that the documents defined in the act or in this Decree were not attached by the client. However, the applicant's attention shall be drawn to the shortcomings of the application and to the consequences arising from failure to rectify such shortcomings.

Applications for Naturalization and Re-naturalization

Section 3

(1) The address in Hungary and the period of residence in Hungary shall be verified by the alien police authority.

(2) A clean criminal record can be proved by a letter of good conduct, or by a certificate proving a clean criminal record issued by the authority competent according to the place of residence abroad at the special request of the Minister of the Interior.

(3) Livelihood and a place of residence shall be adequately substantiated, and a certificate issued by the employer for that purpose is particularly suitable for this purpose; a certificate issued by the state or local government tax authority whereby the applicant has a taxable income; a pension certificate; a contract on the purchase of a home or on rental of accommodation; and a statement of acceptance guaranteeing a home or support.

(4) In addition to the documents defined in subsections (1) to (3), the following shall be attached to an application for naturalization or re-naturalization under preferential terms:

(a) a non-appealable decision of the Hungarian public guardianship authority to an application for naturalization based upon Section 4, subsection (2), paragraph *c)* of CA;

(b) decision of the refugee authority to an application for naturalization based upon Section 4, subsection (2), paragraph *d)*;

(c) documents proving the one-time Hungarian citizenship of the applicant or his ancestors (Section 5 of CA), or rendering the above probable, to an application for naturalization or re-naturalization based upon Section 4, subsection (3) of CA.

(5) On submitting an application for naturalization based upon Section 4, subsection (2), paragraphs *(a)*, *(b)* and *(c)* of CA, the Hungarian citizenship of the spouse, minor child or adoptive parent shall be proved.

(6) A certificate proving that the examination in constitutional studies has been successfully passed shall be attached to an application for naturalization based upon Section 4, subsections (1) to (3) of CA.

Section 4

Following the decision of the President of the Republic, the Minister of the Interior shall forward the certificate of naturalization or re-naturalization or the notice of the refusal of the application to the mayor competent according to the applicant's place of residence.

Waiver of Hungarian Citizenship

Section 6

(1) The applicant shall attach the following to a declaration containing a waiver of Hungarian citizenship:

(a) birth certificate, documents verifying marital status;

(b) certificate or certificate letter issued by the competent foreign authority for the purpose of proving foreign citizenship or one which renders the acquisition of foreign citizenship probable (promise of citizenship);

(c) certificate letter issued by the state and local government tax authorities competent according to the last place of residence in Hungary whereby the applicant has not tax liabilities or other public debts in Hungary.

(2) Whoever has no place of residence in Hungary shall make a declaration whereby he has no tax or other public debts in Hungary.

Section 7

The Minister of the Interior shall check ex officio whether there are any criminal proceedings in progress against the person waiving his Hungarian citizenship and whether the enforceability of a penalty imposed by a Hungarian court terminated.

Section 8

(1) The Minister of the Interior shall send the document issued in respect of the acceptance of waiver or the decision refusing the application to the competent Hungarian consul who shall forward it to the applicant.

(2) Prior to the delivery of the document, the consul shall withdraw the documents proving the Hungarian citizenship of the applicant.

Act LXXXVI of 1993 On Entry, Stay in Hungary and Immigration of Foreigners
Government Decree No. 64/1994 (IV.30.) Korm. On the Execution of Act LXXXVI of 1993 on the Entry, Stay in Hungary, and Immigration of Foreigners

Act LXXXVI of 1993

on the Entry, Stay in Hungary and Immigration of Foreigners

Section 3

(1) The entry, stay, exit and immigration of foreign nationals may only be restricted in accordance with the provisions set forth in this act. Foreign nationals lawfully staying in the Republic of Hungary shall be entitled to the right of freedom of movement, freedom to choose their residence and freedom of travel, within the framework provided for by this act.

(2) While in Hungary, foreign nationals shall respect the constitutional order of the Republic of Hungary, observe its laws and comply with the measures of the Hungarian authorities.

(3) Foreign nationals shall present the documents, data and certificates defined in this act as necessary for proceedings to the acting officer of the Hungarian authorities.

(4) In the course of their proceedings, the Hungarian authorities shall inform foreign nationals of their rights and obligations provided for in this act, in particular their right to legal recourse, claim for compensation, and the method of enforcing their rights.

Immigration permits

Section 17

(1) Applicants for immigration permits must satisfy the following conditions:

(a) must be lawfully and continuously living in Hungary for at least three years from the date of entry;

(b) must have a place of abode and livelihood in Hungary secured; and

(c) must be exempt from any reason for preclusion set forth in this act.

(2) For the purposes of paragraph *(a)* of Subsection (1), leaving the country for no more than 45 days per year shall not be deemed as discontinuation.

(3) An application for immigration which clearly fails to fulfill the conditions prescribed in paragraphs *(a)-(b)* of Subsection (1) shall be rejected without investigation.

(4) A foreign nationals

(a) who applies for immigration as a family member, for the purpose of family unification; or

(b) who was formerly a Hungarian citizen and whose citizenship was terminated, or whose immediate ancestor was a Hungarian citizen may be granted an exemption from the conditions set forth in paragraph *(a)* of Subsection (1).

(5) For the purposes of paragraph *(a)* of Subsection (4), the following shall qualify as family members:

(a) spouses;

(b) children under legal age;

(c) parents and grandparents living as dependents in the same household;

(d) children of legal age living as dependents in the same household.

(6) Additional circumstances regarding the favorable judgment of an application for immigration may be defined by legal regulations or international treaties.

Section 18

(1) An application for immigration may be submitted, by filling out the prescribed form, in person, or in respect of joint applications by a family member of legal age [Subsection (5) of Section 17] at the county or Budapest public administration office (hereinafter referred to as "public administration office") competent according to the future place of residence in Hungary, or at the Hungarian foreign representation by the permanent or usual place of residence of the applicant.

(2) The fee for the immigration procedure shall be paid simultaneously with the submission of the application for immigration.

Section 19

(1) The following shall be attached to an application for immigration:

(a) documents verifying personal identification data and citizenship (stateless status);

(b) birth certificate, marriage certificate when applicable, divorce certificate when applicable, an attested document pursuant to the private law of an applicant who is under legal age verifying that there are no legal obstacles for such person to settle abroad;

(c) a document verifying that the applicant has no criminal record, such document having been issued within six months by the competent authority according to the place of residence of the foreign national;

(d) an official medical report issued within three months, verifying that the foreign national does not suffer from any disease representing a potential danger to public health;

(e) documents verifying education and/or professional qualifications;

(f) documents verifying the foreign national's residence and livelihood in Hungary.

(2) Copies certified by the relevant foreign authority may also be attached in lieu of the documents listed in Subsection (1). Upon issuing a statement, the applicant may be relieved from the obligations described in paragraphs *(b)* and *(c)* of Subsection (1). The documents, certificates or copies thereof, issued by the foreign authority shall be attached together with the attested Hungarian translations.

Section 22

(1) A foreign national

(a) who has been prohibited from entering and staying in the country; or

(b) whose place of abode or livelihood in Hungary is not secured; or

(c) whose integration into Hungarian society cannot be expected for other reasons

shall not be granted an immigration permit.

(2) The livelihood of a foreign national shall be considered secured if such person has sufficient income or financial resources available to provide support for himself and for members of his family who are immigrating and are entitled to and are in need of support, or if such person has a relative living in Hungary who may be obliged by Hungarian law to provide support.

(3) The place of abode of a foreign national shall not be considered secured if the living space available in the future residence indicated by such foreign national is less than six square meters per person. The applicants set forth in Subsection (4) of Section 17 may be exempted from fulfillment of this condition.

(4) In accordance with the provision of non-discrimination, the race, color, gender, native tongue, religion, political or other affiliation, national or other social origin, or birth of a foreign national shall not be considered obstacles to integration into Hungarian society as set forth in paragraph *(c)* of Subsection (1).

Government Decree No. 64/1994 (IV.30.) Korm.

on the Execution of act LXXXVI of 1993 on the Entry, Stay in Hungary, and Immigration of Foreigners

The invitation letter

Section 2

(1) The financial cover of the entry and the stay may also be verified by a valid letter of invitation with its contents defined in this Decree, upon entry and in the proceedings involving the visa, the extension of the period of stay contained in the visa, and the residence permit.

(2) The invitation letter shall contain the inviting party's personal identification data, residence address, the place of stay, citizenship or stateless status of foreigners with extended residence permits, the name and address of artificial persons and unincorporated organizations (hereinafter jointly referred to as "legal entity"), the purpose of invitation, the personal identification data, citizenship or stateless status of the foreign national invited, his residence address and the name of his children below the legal age traveling along, the content and duration of the assumption of obligation, the address of the accommodation provided for the foreign national, the permission of the police headquarters acting as the competent authority and the period of validity of the invitation letter.

(3) The financial cover of the stay may also be verified by one letter of invitation in the case of a travel by foreigners in group on the basis of an invitation by a legal entity (school visit, children's holidays, invitation of artistic troupes, etc.). In this case, the personal identification data, citizenship and place of residence of the persons invited shall be attached to the letter of invitation by the alien policing authority on a separate list.

Types of visa

Section 7

(1) The visa may be issued for official or private purpose travel as well as immigration.

(2) An official visa may be issued

(a) for the travel of persons enjoying privileges and immunity based on their diplomatic status or international law and their family members,

(b) for the travel of the members of an official delegation of foreign states and state organs,

(c) for the travel of persons invited to international political, scientific, economic, cultural, sports events of exceptional importance,

(d) for press correspondents, as well as

(e) to persons entering for study, educational, scientific, training and extension training purposes within the framework of an international convention, or cultural, educational, scientific and international cooperation, or intergovernmental aid programmes, furthermore, to the staff of scientific, educational or cultural institutions operating in Hungary on the basis of international conventions, and to persons entering within the scope of activities of the above institutions.

(3) For private purpose travel, the following visas may be issued depending on the purpose of the entry and the stay:

(a) tourist visa,

(b) visitor's visa,

(c) business visa,

(d) employment visa,

(e) income earning visa,

(f) visa entitling to entry for study and other scientific, extension training purposes, different from what was defined in subsection (2), paragraph *(e)*,

(g) visa entitling to entry with the purpose of medical treatment,

(h) transit visa.

(i) airport transit visa,

(j) other entry visa.

(4) A tourist visa may be issued for foreigners who wish to enter in order to get acquainted with the touristic values of Hungary, with the purpose of recreation, rest, excursion, hunting etc.

(5) A visitor's visa may be issued to foreigners who wish to visit their family members, relatives or acquaintances living in Hungary or have a long-term residence permit there, furthermore, who wish to enter with the purpose of visit upon the invitation of a Hungarian legal entity.

List of authors

Part I, authors: Gabriella Csóka dr., Evelin Pataki dr.
Article 1: Ministry of Justice,
Article 2: Ministry of Justice,
Article 3: Ministry of Justice,
Article 4: Ministry for Social and Family Affairs,
Article 5: Education Ministry, Ministry of Interior,
Article 6: Ministry of Interior,
Experts: Judit Acsády, Lenke Fehér dr., Tamás Gyulavári dr., Mária Herczog dr., Zsuzsa Debreceni Kormosné dr., Krisztina Morvai dr., Éva Thun

Part II, author: Lenke Fehér dr.
Article 7: Ministry of Interior, Ministry of Foreign Affairs, NGO Committee of the Hungarian Parliament,
Article 8: Ministry of Foreign Affairs,
Article 9: Ministry of Justice,
Experts: Katalin Koncz dr., Márta Mátrai dr., Istvánné Szabó

Part III, author: Beáta Nagy,
Article 10: Education Ministry, Health Ministry,
Article 11: Ministry for Social and Family Affairs, Central Administration of Pension Insurance - Hungary, Health Ministry,
Article 12: Health Ministry, Ministry for Social and Family Affairs,
Article 13: Finance Ministry, Ministry for Social and Family Affairs, Central Administration of Pension Insurance – Hungary,
Article 14: Ministry of Agriculture, Health Ministry, Finance Ministry, Ministry of Transport, Communication and Water Management,
Experts: Judit Acsády, Jánosné Balog, Mária Frey, Ildikó Hrubos dr., Katalin Koncz dr., Beáta Nacsa dr., Beáta Nagy

Part IV, author: Lenke Fehér dr.,
Article 15: Ministry of Justice,
Article 16: Ministry of Justice,
Experts: Mária Kopp dr., Jenő Lőrincz dr., Katalin S. Nagy dr.

Mrs. Erzsébet Kardos-Kaponyi could not participate in the completion of the Report because of her trip abroad, nevertheless she helped in the beginning phase of the work with her expertise.

The Report includes studies and tables from the publication "The Changing Role of Women" (Social Research Informatics Center – Office for Women's Issues, 1999) and Part II uses the tables of the study "Women in politics" by Dr. Katalin Koncz. The MONEE project Regional Monitoring Report – No. 6 – 1999 titled "Women in Transition" was also helpful.

This publication can be ordered from:

Ministry of Social and Family Affairs
Office for Women's Issues
P.O. Box 1051
Roosevelt Square 7-8.
Budapest, Hungary

Telephone: 36-1-312-2008
Fax: 36-1-312-5260